

## WATER RESOURCES DEVELOPMENT ACT OF 1974

FEBRUARY 13, 1974.—Ordered to be printed

Mr. ROBERTS, from the committee of conference,  
submitted the following

### CONFERENCE REPORT

[To accompany H.R. 10203]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10203) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

#### TITLE I—WATER RESOURCES DEVELOPMENT

SEC. 1. (a) *The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to undertake the phase I design memorandum stage of advanced engineering and design of the following multi-purpose water resources development projects, substantially in accordance with, and subject to the conditions recommended by the Chief of Engineers in, the reports hereinafter designated.*

##### MIDDLE ATLANTIC COASTAL AREA

*The project for hurricane-flood protection at Virginia Beach, Virginia: House Document Numbered 92-365, at an estimated cost of \$954,000.*

##### JAMES RIVER BASIN

*The project for flood protection for the city of Buena Vista on the Maury River, Virginia: House Document Numbered 93-56, at an estimated cost of \$665,000.*

## SALT RIVER BASIN

*The project for Camp Ground Lake on Beech Fork in the Salt River Basin, Kentucky, for flood protection and other purposes: House Document Numbered 92-374, at an estimated cost of \$330,000.*

## PASCAGOULA RIVER BASIN

*The project for flood protection and other purposes on Bowie Creek, Mississippi: House Document Numbered 92-359, at an estimated cost of \$390,000.*

## PEARL RIVER BASIN

*The project for flood control and other purposes on the Pearl River, Mississippi: House Document Numbered 92-282, at an estimated cost of \$310,000.*

## UPPER MISSISSIPPI RIVER BASIN

*The project for flood control and other purposes on the Zumbro River at Rochester, Minnesota: Report of the Chief of Engineers dated June 7, 1973, in House Document Numbered 93-156, at an estimated cost of \$150,000.*

## LOWER MISSISSIPPI RIVER BASIN

*The project for Greenville Harbor, Greenville, Mississippi: Senate Document Numbered 93-38, at an estimated cost of \$200,000.*

*The project for flood protection for the east bank of the Mississippi River, Warren to Wilkinson Counties, Mississippi (Natchez area): House Document Numbered 93-148, at an estimated cost of \$150,000.*

*The project for flood control and other purposes on the east bank of the Mississippi River, Warren to Wilkinson Counties, Mississippi (Vicksburg-Yazoo area): House Document Numbered 93-149, at an estimated cost of \$150,000.*

*The project for flood control and other purposes for the Bushley Bayou area of the Red River backwater area, Louisiana: House Document Numbered 93-157, at an estimated cost of \$300,000.*

## PEE DEE RIVER BASIN

*The project for flood control and other purposes on Roaring River Reservoir, North Carolina: in accordance with the recommendations of the Secretary of the Army in his report dated April 12, 1971, on the Development of Water Resources in Appalachia, at an estimated cost of \$400,000.*

## ALTAMAHA RIVER BASIN

*The project for flood control and other purposes at Curry Creek Reservoir, Georgia: in accordance with the recommendations of the Secretary of the Army in his report dated April 12, 1971, on the Development of Water Resources in Appalachia, at an estimated cost of \$400,000.*

## COOSA RIVER BASIN

*The project for flood control and other purposes at Dalton Reservoir, Conasauga River, Georgia: in accordance with the recommendations of the Secretary of the Army in his report dated April 12, 1971, on*



*the Development of Water Resources in Appalachia, at an estimated cost of \$446,000.*

#### GUADALUPE RIVER BASIN

*The project for flood control and other purposes on the Blanco River at Clopton Crossing, Texas: House Document Numbered 92-364, at an estimated cost of \$177,000.*

#### ARKANSAS RIVER BASIN

*The project for flood protection and other purposes on the Arkansas River and tributaries above John Martin Dam, Colorado: House Document Numbered 93-143, at an estimated cost of \$1,140,000.*

#### SPRING RIVER BASIN

*The project for flood control and other purposes on Center Creek near Joplin, Missouri: House Document Numbered 92-361, at an estimated cost of \$150,000.*

#### COLUMBIA RIVER BASIN

*The project for installation of power generating facilities at the Libby Reregulating Dam, Kootenai River, Montana: Senate Document Numbered 93-29, at an estimated cost of \$75,000.*

#### UMPQUA RIVER BASIN

*The project for flood protection and other purposes at the Days Creek Dam, South Umpqua River, Oregon: House Document Numbered 92-371, at an estimated cost of \$406,000.*

(b) The Secretary of the Army is authorized to undertake advanced engineering and design for the projects in subsection (a) of this section after completion of the phase I design memorandum stage of such projects. Such advanced engineering and design may be undertaken only upon a finding by the Chief of Engineers, transmitted to the Committees on Public Works of the Senate and House of Representatives, that the project is without substantial controversy, that it is substantially in accordance with and subject to the conditions recommended for such project in this section, and that the advanced engineering and design will be compatible with any project modifications which may be under consideration. There is authorized to carry out this subsection not to exceed \$5,000,000. No funds appropriated under this subsection may be used for land acquisition or commencement of construction.

SEC. 2. Sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this section. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated.

## DELAWARE RIVER BASIN

*The project for local flood protection on Wabash Creek, Borough of Tamaqua, Pennsylvania: In accordance with the recommendations of the Secretary of the Army in his report dated April 12, 1971, on the Development of Water Resources in Appalachia, at an estimated cost of \$2,355,000.*

## CHARLES RIVER WATERSHED

*The project for flood control and other purposes in the Charles River Watershed, Massachusetts: Report of the Chief of Engineers dated December 6, 1972, at an estimated cost of \$7,340,000.*

## UPPER MISSISSIPPI RIVER BASIN

*The project for flood control and other purposes at Prairie du Chien, Wisconsin: Report of the Chief of Engineers dated February 9, 1972, at an estimated cost of \$1,840,000.*

SEC. 3. (a) The West Tennessee tributaries feature, Mississippi River and tributaries project (Obion and Forked Deer Rivers), Tennessee, authorized by the Flood Control Acts approved June 30, 1948, and November 7, 1966, as amended and modified, is hereby further amended to authorize the Secretary of the Army, acting through the Chief of Engineers, to acquire thirty-two thousand acres of land for the mitigation of fish and wildlife resources, recreation, and environmental purposes. Such lands shall be made available for public use, consistent with good wildlife management practices.

(b) Due to the urgency of completion of the West Tennessee tributaries feature and the necessity to preserve wildlife habitat, the Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to enter immediately into leasehold agreements, accept donations, acquire by direct purchase, and to institute eminent domain proceedings to insure the preservation of the necessary lands in their natural state and to further the objectives of this section.

(c) Final details and designs of this mitigation feature shall consist of plans approved by the Secretary of the Army, the Secretary of the Interior, and the Governor of the State of Tennessee after consultation with the Tennessee Game and Fish Commission prior to the conveyance by the Secretary of the Army to the State of Tennessee as provided in subsection (d).

(d) The Secretary of the Army is authorized and directed to convey without monetary consideration, to the State of Tennessee all right, title, and interest of the United States in the lands and developments acquired under the authority of this section. Prior to such conveyance the State of Tennessee or its appropriate designee shall agree in writing in accordance with the provisions of section 221 of the Flood Control Act of 1970, to operate, maintain, and manage the agreed-upon mitigation lands and developments at no expense to the United States. In addition, the deed of conveyance to the lands and developments shall provide that they shall continue to be used for wildlife purposes in accordance with the plans of subsection (b) and the title to such lands or developments, which have been provided at Federal expense under the authority of this subsection shall revert to the United States if they cease to be used for such purposes.

(e) Not less than 20 per centum of the funds appropriated each fiscal year for the construction of the West Tennessee tributaries feature, Mississippi River and tributaries project, shall be expended to implement the mitigation program authorized by this section, until the entire amount of funds authorized by this section has been expended.

(f) The sum of \$6,600,000 is hereby authorized to be appropriated to carry out the purposes of this section, and such sum shall be in addition to funds previously authorized for the West Tennessee tributaries feature.

SEC. 4. The project for beach erosion control on Ediz Hook at Port Angeles, Washington, is authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 93-101, at an estimated cost of \$4,553,000. The Secretary of the Army, acting through the Chief of Engineers is authorized to undertake, in connection with such project, such emergency interim measures as may be necessary to prevent the breaching of Ediz Hook prior to construction of the authorized project.

SEC. 5. The project for flood control, water supply, and related purposes, in the Pocatalico River Basin, West Virginia, is hereby authorized substantially in accordance with the recommendations contained in the Pocatalico River Basin joint study interim report prepared by the Corps of Engineers and the Soil Conservation Service, at an estimated cost of \$3,568,900, with the funds to be appropriated for use by the Secretary of Agriculture, contingent upon project approval by the President.

SEC. 6. Section 103 of the River and Harbor Act of 1970 is amended to read as follows:

"SEC. 103. The cost of operation and maintenance of the general navigation features of small boat harbor projects shall be borne by the United States. This section shall apply to any such project authorized (A) under section 201 of the Flood Control Act of 1965, (B) under section 107 of the River and Harbor Act of 1960, (C) between January 1, 1970, and December 31, 1970, under authority of this Act, and to projects heretofore authorized in accordance with the policy set forth in the preceding sentence and to such projects authorized in this Act or which are hereafter authorized."

SEC. 7. (a) Section 116(a) of the River and Harbor Act of 1970 (Public Law 91-611) is amended by inserting before the period the following: ", and thereafter to maintain such channel free of such trees, roots, debris, and objects".

(b) Section 116(c) of the River and Harbor Act of 1970 (Public Law 91-611) is amended by inserting before the period the following: "to clear the channel, and not to exceed \$150,000 each fiscal year thereafter to maintain such channel".

(c) Section 116(b) of the River and Harbor Act of 1970 (Public Law 91-611) is amended by adding at the end thereof the following: "Non-Federal interests shall pay 25 per centum of the cost of maintaining the channel free of trees, roots, debris, and objects."

SEC. 8. The Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain the San Francisco Bay-Delta Model in Sausalito, California, for the purpose of testing proposals affecting the environmental quality of the region, including,

but not limited to, salinity intrusion, dispersion of pollutants, water quality, improvements for navigation, dredging, bay fill, physical structures, and other shoreline changes which might affect the regimen of the bay-delta waters.

SEC. 9. The requirement in any water resources development project under the jurisdiction of the Secretary of the Army, that non-Federal interests hold and save the United States free from damages due to the construction, operation, and maintenance of the project, does not include damages due to the fault or negligence of the United States or its contractors.

SEC. 10. The McClellan-Kerr Arkansas River navigation system, authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1215), as amended and supplemented, is hereby further modified to include alteration at Federal expense of the municipal water supply facilities of the city of Conway, Arkansas, by the construction of water supply impoundment facilities at a location outside the flat flood plain of Cadron Creek, together with interconnecting pipeline and other appurtenant work, so that the water supply capacity of the resultant municipal facilities is approximately equivalent to that existing prior to construction of the navigation system.

SEC. 11. (a) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations for flood control and allied purposes, and subject to all applicable provisions of section 217 of the Flood Control Act of 1970 (Public Law 91-611):

San Luis Obispo County, California.

Buffalo River Basin, New York (wastewater management study).

Palo Blanco Creek and Cibolo Creek, at and in the vicinity of Falfurrias, Texas.

(b) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

Miami River, Florida, with a view to determining the feasibility and advisability of dredging the river in the interest of water quality.

Port Las Mareas, Puerto Rico, with a view to determining the feasibility and advisability of assumption of maintenance of the project by the United States.

Saint Marys River at, and in the vicinity of, Sault Sainte Marie, Michigan, with a view to determining the advisability of developing a deep draft navigation harbor and international port.

East Two Rivers between Tower, Minnesota, and Vermilion Lake.

SEC. 12. (a) As soon as practicable after the date of enactment of this section and at least once each year thereafter, the Secretary of the Army, acting through the Chief of Engineers, shall review and submit to Congress a list of those authorized projects for works of improvement of rivers and harbors and other waterways for navigation, beach erosion, flood control, and other purposes which have been au-



thorized for a period of at least eight years without any Congressional appropriations within the last eight years and which he determines, after appropriate review, should no longer be authorized. Each project so listed shall be accompanied by the recommendation of the Chief of Engineers together with his reasons for such recommendation. Prior to the submission of such list to the Congress, the Secretary of the Army, acting through the Chief of Engineers, shall obtain the views of interested Federal departments, agencies, and instrumentalities, and of the Governor of each State wherein such project would be located, which views shall be furnished within sixty days after being requested by the Secretary and which shall accompany the list submitted to Congress. Prior to the submission of such list to Congress the Secretary of the Army, acting through the Chief of Engineers, shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, a project (including any part thereof) on such list would be located.

(b) Such list shall be delivered to both Houses on the same day and to each House while it is in session. A project on such list shall not be authorized at the end of the first period of one hundred and eighty calendar days of continuous session of Congress after the date such list is delivered to it unless between the date of delivery and the end of such one hundred and eighty-day period, either the Committee on Public Works of the House of Representatives or the Committee on Public Works of the Senate adopts a resolution stating that such project shall continue to be an authorized project. For the purposes of this section continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one hundred and eighty-day period. The provisions of this section shall not apply to any project contained in a list of projects submitted to the Congress within one hundred and eighty days preceding the date of adjournment sine die of any session of Congress.

(c) Nothing in this section shall be construed so as to preclude the Secretary from withdrawing any project or projects from such list at any time prior to the final day of the period provided for in subsection (b).

(d) This section shall not be applicable to any project which has been included in a resolution adopted pursuant to subsection (b).

(e) The Secretary of the Army, acting through the Chief of Engineers, shall, on request by resolution of the Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives, review authorized projects for inclusion in the list of projects provided for in subsection (a) of this section. If any project so reviewed is not included in any of the first three lists submitted to the Congress after the date of the resolution directing the review of the project, a report on the review together with the reasons for not recommending deauthorization, shall be submitted to the Committees on Public Works of the Senate and House of Representatives not later than the date of the third list submitted to Congress after the date of such resolution.

SEC. 13. Section 207(c) of the Flood Control Act of 1960 (33 U.S.C. 701r-1(c)) is hereby amended to read as follows:

"(c) For water resources projects to be constructed in the future, when the taking by the Federal Government of an existing public road necessitates replacement, the substitute provided will, as nearly as practicable, serve in the same manner and reasonably as well as the existing road. The head of the agency concerned is authorized to construct such substitute roads to the design standards which the State or owning political division would use in constructing a new road under similar conditions of geography and under similar traffic loads (present and projected). In any case where a State or political subdivision thereof requests that such a substitute road be constructed to a higher standard than that provided for in the preceding provisions of this subsection, and pays, prior to commencement of such construction, the additional costs involved due to such higher standard, such agency head is authorized to construct such road to such higher standard. Federal costs under the provisions of this subsection shall be part of the nonreimbursable project costs."

SEC. 14. The project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, for flood protection and other purposes as authorized by the Flood Control Act of 1970, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake remedial flood control measures to alleviate flooding in the reach between Stahl Road and Niagara Falls Boulevard that are compatible with the diversion channel plan contained in the report of the district engineer, United States Army Engineer District, Buffalo, dated August 1973, such work to be subject to the items of local cooperation required for similar projects and such work to be limited to areas downstream from Sweethome Road in the town of Amherst, New York, and such other areas as the Secretary may deem necessary. The work authorized by this section shall be compatible with the authorized project and any alternatives currently under study pursuant to the Flood Control Act of 1970.

SEC. 15. The project for navigation at Little River Inlet, South Carolina, authorized under provisions of section 201 of the Flood Control Act of October 27, 1965 (Public Law 89-298), is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to perform such emergency dredging operations as the Chief of Engineers determines necessary to maintain channel depths sufficient to permit free and safe movement of vessels until such time as the authorized project is constructed.

SEC. 16. (a) The comprehensive plan for flood control and other purposes in the White River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and amended by subsequent Acts, is further modified to provide for a free highway bridge built to modern standards over the Norfolk Reservoir at an appropriate location in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfolk Dam and Reservoir. Such bridge shall be constructed by the Chief of Engineers in accordance with such plans as are determined to be satisfactory by the Secretary of the Army to provide adequate crossing facilities. Prior to construction the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests as determined by him, which shall provide that after construction such non-Federal

interests shall own, operate, and maintain such bridges and approach facilities free to the public.

(b) The cost of constructing such bridge shall be borne by the United States except that the State of Arkansas shall, upon completion of such bridge, reimburse the United States the sum of \$1,342,000 plus interest, compounded annually, for the period from May 29, 1943, to the date of enactment of this Act. Such interest shall be computed at rates determined by the Secretary of the Treasury to be equal to the average annual rates payable on all interest-bearing obligations of the United States forming a part of the public debt for each year during this period, and adjusted to the nearest one-eighth of 1 per centum.

SEC. 17. The projects for Melvern Lake and Pomona Lake, Kansas, authorized as units of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved September 3, 1954, are hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to improve surface roads in the vicinity of such projects which he determines to be necessary for appropriate utilization of such projects. The Federal share of the work performed under this section shall not exceed 70 per centum of the costs of such work. There is authorized to be appropriated to the Secretary not to exceed \$500,000 to carry out this section.

SEC. 18. The project for Tuttle Creek Reservoir, Big Blue River, Kansas, authorized as a unit of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved June 28, 1938, as modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, in his discretion to improve that portion of FAS 1208 extending from the intersection with Kansas State Highway 13 in section 5, township 9 south, range 8 east, thence north and west to the intersection with country road in section 14, township 8 south, range 7 east, approximately 5.78 miles. The Federal share of the work performed under this section shall not exceed 70 per centum of the costs of such work. There is authorized to be appropriated to the Secretary not to exceed \$500,000 to carry out this section.

SEC. 19. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to convey to the Andrew Jackson Lodge Numbered 5, Fraternal Order of Police, of Nashville, Tennessee (hereafter in this section referred to as the "lodge"), all right, title, and interest of the United States in and to that real property consisting of thirty-eight acres, more or less, which is located within the Old Hickory lock and dam project and which is presently leased to the lodge under lease numbered AA-40058-CIVENG-60-431, dated December 1, 1959.

(b) The cost of any surveys necessary as an incident of the conveyance authorized by this section shall be borne by the lodge.

(c) Title to the property authorized to be conveyed by this section shall revert to the United States, which shall have the right of immediate entry thereon, if the lodge shall ever use, or permit to be used, any part of such property for any purpose other than as a youth camp facility.

(d) The conveyance authorized by this section shall be made upon payment by the lodge to the Secretary of the Army of an amount of money equal to the fair market value of the property. The fair market



value of such property shall be determined by an independent qualified appraiser acceptable to both the Secretary of the Army and the lodge. No conveyance may be made pursuant to this section after the close of the twelfth month after the month in which this section is enacted.

SEC. 20. Section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby amended by (1) inserting before the period at the end of the first sentence the following: “, at an estimated cost of \$11,400,000” and (2) striking out the last sentence.

SEC. 21. The project for flood protection on the Minnesota River at Mankato-North Mankato, Minnesota, authorized by the Flood Control Act of 1958 and modified by section 207 of the Flood Control Act of 1965, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to reimburse the city of Mankato for local costs incurred in relocating that portion of the existing Mankato interceptor sewer extending approximately one thousand six hundred feet upstream and one thousand five hundred feet downstream of the Warren Creek Pumping Station, provided the relocated interceptor sewer is designed and constructed in a manner which the Secretary of the Army determines is fully adequate to serve the project purpose.

SEC. 22. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins located within the boundaries of such State and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(b) There is authorized to be appropriated not to exceed \$2,000,000 annually to carry out the provisions of this section except that not more than \$200,000 shall be expended in any one year in any one State.

SEC. 23. Section 123 of the River and Harbor Act of 1970 (84 Stat. 1818, 1823) is hereby amended by adding at the end of subsection (d) of such section the following: “In the event such findings occur after the appropriate non-Federal interest or interests have entered into the agreement required by subsection (c), any payments due after the date of such findings as part of the required local contribution of 25 per centum of the construction costs shall be waived by the Secretary of the Army.”

SEC. 24. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a complete study of the items of local cooperation involving hold and save harmless provisions which have been required for water resources development projects under his jurisdiction, and his reasons for such requirements, and to report thereon to the Congress not later than June 30, 1975, together with recommendations as to those items of local cooperation which should appropriately be required for various types of water resources development projects.

SEC. 25. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to study land use practices and recreational uses at water resource development projects under his jurisdiction, and to report thereon to the Congress not later than June 30, 1975, with recommendations as to the best use of such lands



for outdoor recreation, fish and wildlife enhancement, and related purposes.

SEC. 26. Section 208 of the Flood Control Act of 1954 (68 Stat. 1256, 1266) is hereby amended by striking out "\$2,000,000" and inserting in lieu thereof "\$5,000,000", and by striking out "\$100,000" and inserting in lieu thereof "\$250,000".

SEC. 27. Section 14 of the Act approved July 24, 1946 (60 Stat. 653), is hereby amended by striking out "\$1,000,000" and inserting in lieu thereof "\$10,000,000", by inserting after the words "public works," "churches, hospitals, schools, and other nonprofit public services," by striking out "\$50,000" and inserting in lieu thereof "\$250,000" and by striking out "of emergency bank-protection works to prevent flood" and inserting in lieu thereof "repair, restoration, and modification of emergency streambank and shoreline protection works to prevent".

SEC. 28. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to improve perimeter access at Lake Texoma, Texas and Oklahoma, utilizing existing roads to the extent feasible. There is authorized to be appropriated not to exceed \$3,000,000 to carry out this section.

SEC. 29. The Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to place at or near the city of Davenport, Iowa", approved March 18, 1938 (52 Stat. 110), is amended—

(1) by inserting after "to reconstruct, enlarge, and extend the approaches" in subsection (b) of the first section the following: "(including the eastern approach in Rock Island, Illinois)",

(2) by inserting after "approaches" in subsection (c) of the first section the following: "(other than the eastern approach in Rock Island, Illinois)", and

(3) by inserting at the end of subsection (c) of the first section the following: "The reconstruction, enlargement, and extension of the eastern approach in Rock Island, Illinois, to such bridge pursuant to subsection (b) of this section shall be commenced not later than December 1, 1974, and shall be completed before December 1, 1977."

SEC. 30. The project for enlargement of Laron Reservoir on the East Fork of the Trinity River, Texas, authorized by the Flood Control Act of 1962, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide a crossing and approaches at Tickey Creek and suitable surfacing to permit all-weather use of Collin County Road 115, at a cost not to exceed \$800,000.

SEC. 31. The project for the Atlantic coast of Long Island, Fire Island Inlet to Montauk Point, New York, authorized in section 101 of the River and Harbor Act of 1960, is hereby modified to provide that non-Federal interests shall (1) contribute 30 per centum of the first cost of the project, including the value of lands, easements, and rights-of-way; (2) hold and save the United States free from damages due to the construction works; and (3) maintain and operate the improvements in accordance with regulations prescribed by the Secretary of the Army.

*SEC. 32. (a) This section may be cited as the "Streambank Erosion Control Evaluation and Demonstration Act of 1974".*

*(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to establish and conduct for a period of five fiscal years a national streambank erosion prevention and control demonstration program. The program shall consist of (1) an evaluation of the extent of streambank erosion on navigable rivers and their tributaries; (2) development of new methods and techniques for bank protection, research on soil stability, and identification of the causes of erosion; (3) a report to the Congress on the results of such studies and the recommendations of the Secretary of the Army on means for the prevention and correction of streambank erosion; and (4) demonstration projects, including bank protection works.*

*(c) Demonstration projects authorized by this section shall be undertaken on streams selected to reflect a variety of geographical and environmental conditions, including streams with naturally occurring erosion problems and streams with erosion caused or increased by man-made structures or activities. At a minimum, demonstration projects shall be conducted at multiple sites on—*

- (1) the Ohio River;*
- (2) that reach of the Missouri River between Fort Randall Dam, South Dakota, and Sioux City, Iowa;*
- (3) that reach of the Missouri River in North Dakota at or below the Garrison Dam; and*
- (4) the delta and hill areas of the Yazoo River Basin generally in accordance with the recommendations of the Chief of Engineers in his report dated September 23, 1972.*

*(d) Prior to construction of any projects under this section, non-Federal interests shall agree that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the projects; hold and save the United States free from damages due to construction, operation, and maintenance of the projects; and operate and maintain the projects upon completion.*

*(e) There is authorized to be appropriated for the five-fiscal-year period ending June 30, 1978, not to exceed \$25,000,000 to carry out subsections (b), (c), and (d) of this section.*

*SEC. 33. The flood control project for the Scioto River, Ohio, authorized by section 203 of the Flood Control Act of 1962, as modified, is hereby further modified (1) to permit the construction of local protection works at Chillicothe, Ohio, prior to commencement of construction of the Mill Creek Reservoir, and (2) to permit the plan for such works to be revised by the Chief of Engineers so as to provide a degree of protection substantially equivalent to that provided by the project as originally authorized.*

*SEC. 34. The project for Newburgh lock and dam, authorized under authority of section 6 of the River and Harbor Act approved March 3, 1909, is hereby modified to direct the Secretary of the Army, acting through the Chief of Engineers, to perform bank protection works along the Ohio River at Newburgh, Indiana. Prior to construction, non-Federal interests shall agree that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the works; hold and save the*

United States free from damages due to construction, operation, and maintenance of the works, and operate and maintain the works upon completion.

SEC. 35. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a detailed study of such plans as he may deem feasible and appropriate for the removal and disposal of debris and obsolete buildings remaining as a result of military construction in World War II in the vicinities of Port Heiden, Cold Bay, Unalaska, and Unmak Island, in the Aleutian Islands, Alaska. Such study shall include an analysis of appropriate measures to restore these areas to their natural condition. The Secretary of the Army, acting through the Chief of Engineers, is directed to report the findings of such study to Congress within one year after the date of enactment of this section.

SEC. 36. Section 222 of the Flood Control Act of 1970 (Public Law 91-611) is amended by inserting at the end thereof the following: "The Secretary may also provide for the cost of construction of a two-lane, all-weather paved road (including appropriate two-lane bridges) extending from Old United States Highway 40, near Weimar across the North Fork and Middle Fork of the American River to the Eldorado County Road near Spanish Dry Diggings, substantially in accordance with the report of the Secretary entitled 'Replacement Alternative Upstream Road System, Auburn Reservoir—June 1970'."

SEC. 37. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the Santa Cruz Harbor project, Santa Cruz, California, authorized by the River and Harbor Act of 1958, with particular reference to Federal and non-Federal cost sharing, and to report the findings of such review to Congress within one year after the date of enactment of this section.

SEC. 38. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the project for Anaheim Bay, California, authorized by the River and Harbor Act of 1954 for Seal Beach, California, with particular reference to Federal and non-Federal cost sharing, and to report the findings of such review to Congress within one year after the date of enactment of this section.

SEC. 39. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake such emergency bank stabilization works as are necessary to protect the Sacred Heart Hospital in Yankton, South Dakota, from damages caused by bank erosion downstream of Gavins Point Dam, Missouri River.

SEC. 40. (a) In connection with any water resource development project, heretofore, herein, or hereafter authorized to be undertaken by the Secretary of the Army, the construction of which has not been initiated as of the date of the enactment of this section, where authorization requires that non-Federal public bodies make an agreed-upon cash contribution as part of their reimbursement to the Federal Government for construction costs, or a specific portion of the construction costs, and where there exists no other provision of law which would permit extended repayment for the construction costs or such specific portion of the construction costs involved, such non-Federal public



bodies may make such repayment in annual installments during the period of construction.

(b) Upon the request of affected non-Federal public bodies, the Secretary of the Army is authorized to modify existing cost sharing agreements in order to effectuate the provisions of subsection (a) of this section.

SEC. 41. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a detailed study and report of the total benefits and costs attributable to the water resources development projects undertaken in the Ohio River Basin by the Corps of Engineers. The evaluation of benefits and costs attributable to such projects shall include consideration of the enhancement of regional economic development, quality of the total environment, the well-being of the people, and the national economic development.

(b) The Secretary, acting through the Chief of Engineers, shall report the finding of such study to Congress within two years after funds are made available to initiate the study.

(c) There is authorized to be appropriated to the Secretary not to exceed \$2,000,000 to carry out this section.

SEC. 42. The project for flood control and improvement of the lower Mississippi River (adopted by the Act of May 15, 1928 (45 Stat. 534)), as amended and modified is further amended and modified so as to provide that in the case of lands which were authorized to be acquired for the purpose of mitigating losses to wildlife resulting from Federal improvements which have not been acquired and which are no longer suitable for such purpose, the Secretary of the Army, acting through the Chief of Engineers, may, to the extent justified, acquire substitute lands, not to exceed the acreages previously authorized for such purpose, in the same or adjacent subbasins of the project area.

SEC. 43. Any proposed road to the Zilpo Recreation Area shall not be constructed under the Cave Run Lake project in Kentucky authorized by the Flood Control Acts approved June 22, 1936, and June 28, 1938, until there is a full opportunity for public review and comment on the environmental impact statement pertaining to any such proposed road.

SEC. 44. (a) Subject to the provisions of subsection (b) of this section, the Secretary of the Army is authorized and directed to convey to the Mountrail County Park Commission of Mountrail County, North Dakota, all rights, title, and interest of the United States in and to the following described tracts of land:

#### TRACT NUMBER 1

All of the land which lies landward of a line, which line is 300 feet above and measured horizontally from contour elevation 1,850 mean sea level of old Van Hook Village in the northwest quarter of section 32, township 152, range 91 west of the fifth guide meridian.

#### TRACT NUMBER 2

All of the land which lies landward of a line which line is 300 feet above and measured horizontally from contour elevation 1,850 mean sea level of Olson's first addition, part of the southwest quarter of section 29, township 152, range 91 west of the fifth guide meridian.



## TRACT NUMBER 3

*Hodge's first addition, part of the northeast quarter of section 32, township 152, range 91, west of the fifth guide meridian.*

(b) (1) *The conveyance of such portion of the lands described in subsection (a) as is being used by the North Dakota State Game and Fish Department for wildlife management purposes shall not become effective until the termination of the license granted to such department for such use either in accordance with its original terms on October 31, 1980, or at any time prior thereto.*

(2) *The lands conveyed pursuant to this section shall be used by the Mountrail County Park Commission, Mountrail County, North Dakota, solely for public park and recreational purposes, and if such lands are ever used for any other purpose, title thereto shall revert to, and become the property of, the United States which shall have the right of immediate entry thereof.*

(3) *The conveyance authorized by this section shall be subject to such other terms and conditions as the Secretary of the Army deems to be in the public interest.*

(c) *The Mountrail County Park Commission shall pay the costs of such surveys as may be necessary to determine the exact legal description of the lands to be conveyed and such sums as may be fixed by the Secretary of the Army to compensate the United States for its administrative expenses in connection with the conveyance of such lands, which sum shall be covered into the Treasury into miscellaneous expenses.*

SEC. 45. (a) *Section 252 of the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1757) is amended by adding at the end thereof the following:*

*"(d) For the purposes of this section, 'net cost' and 'net costs' of repairing, restoring, reconstructing, or replacing any such facility shall include the costs actually incurred in replacing the facility's services with services from other sources during the period of repair, restoration, reconstruction, or replacement of such facility, to the extent such costs exceed the costs which would have been incurred in providing such services but for the disaster."*

(b) *The amendment made by section (a) of this section shall take effect as of August 1, 1969.*

SEC. 46. *The Secretary of the Army, acting through the Chief of Engineers, is authorized to amend the contract between the city of Aberdeen, Washington, and the United States for use of storage space in the Wynoochee Dam and Lake on the Wynoochee River, Washington, for municipal and industrial water supply purposes. Such amended contract shall provide that the costs allocated to present demand water supply, shall be repaid over a period of fifty years after the project is first used for the storage of water for water supply purposes. The first annual payment shall be a minimum of 0.1 per centum of the total amount to be repaid. The annual payments shall be increased by 0.1 per centum each year until the tenth year at which time the payment shall be 1 per centum of the total principal amount to be repaid. Subsequent annual payments for the balance of forty years shall be one-fortieth of the balance remaining after the tenth annual payment (including interest over such fifty year period).*

*Sec. 47. The project for Wynoochee Dam and Lake, Wynoochee River, Washington, authorized by the Flood Control Act approved October 23, 1962 (76 Stat. 1193), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to transfer to the State of Washington, as a part of project costs, an amount not to exceed \$696,000 for construction of fish hatchery facilities for prevention of losses of natural spawning areas for anadromous trout occasioned by project construction.*

*Sec. 48. Section 7 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendment Act of 1970 (84 Stat. 310) is hereby amended to read as follows:*

*"Sec. 7. That the project for Libby Dam, Kootenai River, Montana, is hereby modified to provide that an amount not to exceed \$4,000,000 may be used for the construction of fish production measures in compensation for fish losses attributed to the project, and for the acquisition of necessary real estate, construction of access roads and utilities, and performance of services related thereto, as deemed appropriate by the Secretary of the Army, acting through the Chief of Engineers."*

*Sec. 49. (a) The project for Libby Dam, Kootenai River, Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to acquire not more than twelve thousand acres of land for the prevention of wildlife grazing losses caused by the project.*

*(b) The Secretary is further authorized and directed to convey without monetary consideration, to the State of Montana all right, title, and interest of the United States in the land acquired under subsection (a), for use for wildlife grazing purposes. The deed of conveyance shall provide that the land shall revert to the United States in the event it ever ceases to be used for wildlife grazing purposes.*

*(c) There is authorized to be appropriated not to exceed \$2,000,000 to carry out the provisions of this section.*

*Sec. 50. The project for Libby Dam (Lake Koocanusa), Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse Boundary County, Idaho, for the cost incurred to elevate, relocate, or reconstruct the bridge, located at the mouth of Deep Creek as it joins the Kootenai River, made necessary by the duration of higher flows during drawdown operations at Libby Dam. There is authorized to be appropriated not to exceed \$350,000 for the purposes of this section.*

*Sec. 51. If the Secretary of the Army, acting through the Chief of Engineers, finds that the proposed project to be erected at the location to be declared non-navigable under this section is in the public interest, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway and on the basis of environmental studies conducted pursuant to the National Environmental Policy Act of 1969, then those portions of the East River in New York County, State of New York, bounded and described as follows are hereby declared to be not navigable waters of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given to the filling in of all or any part thereof or the erection of permanent*

*pile-supported structures thereon: That portion of the East River in New York County, State of New York, lying shoreward of a line with the United States pierhead line as it exists on the date of the enactment of this Act, bounded on the north by the south side of Rutgers Slip extended easterly, and bounded on the south by the southeasterly border of Battery Park at a point adjacent to the westerly end of South Street extended south by southwest, is hereby declared to be non-navigable waters of the United States. This declaration shall apply only to portions of the above-described area which are bulkheaded and filled or occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers. Local interests shall reimburse the Federal Government for engineering and all other costs incurred under this section.*

*SEC. 52. The project for hurricane-flood control protection from Cape Fear to the North Carolina-South Carolina State line, North Carolina, authorized by the Flood Control Act of 1966 (80 Stat. 1418, 1419) is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, may enter into an agreement with non-Federal public bodies to provide for reimbursement of installation costs incurred by such bodies, or an equivalent reduction in the contributions they are otherwise required to make, or a combination thereof, in an amount not to exceed \$2,000,000 for work to be performed in the project, subject to the provisions of subsections (b) through (e) of section 215 of the Flood Control Act of 1968.*

*SEC. 53. The project for flood protection on the Grand River and tributaries, Missouri and Iowa, authorized by the Flood Control Act of 1965 is hereby modified to authorize and direct the Chief of Engineers to proceed immediately with the engineering and design of the Pattonsburg Lake project as presently authorized subject to such modifications as are determined desirable by the Chief of Engineers on the basis of results of a review of the authorized Grand River Basin plan of development including consideration of the current justification and feasibility of advance Federal participation in construction of the I-35 highway crossing of the river and of including power facilities during the project construction. Such inclusion of power facilities shall be subject to submission of a feasibility report to the Congress and subsequent congressional action thereon.*

*SEC. 54. (a) This section may be cited as the "Shoreline Erosion Control Demonstration Act of 1974".*

*(b) The Congress finds that because of the importance and increasing interest in the coastal and estuarine zone of the United States, the deterioration of the shoreline within this zone due to erosion, the harm to water quality and marine life from shoreline erosion, the loss of recreational potential due to such erosion, the financial loss to private and public landowners resulting from shoreline erosion, and the inability of such landowners to obtain satisfactory financial and technical assistance to combat such erosion, it is essential to develop, demonstrate, and disseminate information about low-cost means to prevent and control shoreline erosion. It is therefore the purpose of this section to authorize a program to develop and demonstrate such means to combat shoreline erosion.*



(c) (1) *The Secretary of the Army, acting through the Chief of Engineers, shall establish and conduct for a period of five fiscal years a national shoreline erosion control development and demonstration program. The program shall consist of planning, constructing, operating, evaluating, and demonstrating prototype shoreline erosion control devices, both engineered and vegetative.*

(2) *The program shall be carried out in cooperation with the Secretary of Agriculture, particularly with respect to vegetative means of preventing and controlling shoreline erosion, and in cooperation with Federal, State, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established pursuant to subsection (d).*

(3) *Demonstration projects established pursuant to this section shall emphasize the development of low-cost shoreline erosion control devices located on sheltered or inland waters. Such projects shall be undertaken at no less than two sites each on the shorelines of the Atlantic, Gulf, and Pacific coasts, the Great Lakes, and the State of Alaska, and at locations of serious erosion along the shores of Delaware Bay, particularly at those reaches known as Pickering Beach, Kitts Hummock, Bowers, Slaughter Beach, Broadkill Beach, and Lewes in the State of Delaware. Sites selected should, to the extent possible, reflect a variety of geographical and climatic conditions.*

(4) *Such demonstration projects may be carried out on private or public lands except that no funds appropriated for the purpose of this section may be expended for the acquisition of privately owned lands. In the case of sites located on private or non-Federal public lands, the demonstration projects shall be undertaken in cooperation with a non-Federal sponsor or sponsors who shall pay at least 25 per centum of construction costs at each site and assume operation and maintenance costs upon completion of the project.*

(d) (1) *No later than one hundred and twenty days after the date of enactment of this section the Chief of Engineers shall establish a Shoreline Erosion Advisory Panel. The Chief of Engineers shall appoint fifteen members to such Panel from among individuals who are knowledgeable with respect to various aspects of shoreline erosion, with representatives from various geographical areas, institutions of higher education, professional organizations, State and local agencies, and private organizations, except that such individuals shall not be regular full-time employees of the United States. The Panel shall meet and organize within ninety days from the date of its establishment, and shall select a Chairman from among its members. The Panel shall then meet at least once each six months thereafter and shall expire ninety days after termination of the five-year program established pursuant to subsection (c).*

(2) *The Panel shall—*

(A) *advise the Chief of Engineers generally in carrying out provisions of this section;*

(B) *recommend criteria for the selection of development and demonstration sites;*

(C) *recommend alternative institutional, legal, and financial arrangements necessary to effect agreements with non-Federal sponsors of project sites;*

(D) *make periodic reviews of the progress of the program pursuant to this section;*



(E) recommend means by which the knowledge obtained from the project may be made readily available to the public; and

(F) perform such functions as the Chief of Engineers may designate.

(3) Members of the Panel shall, while serving on business of the Panel, be entitled to receive compensation at rates fixed by the Chief of Engineers, but not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5 of the United States Code, including traveltime and while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in Government service employed intermittently.

(4) The Panel is authorized, without regard to the civil service laws, to engage such technical and other assistance as may be required to carry out its functions.

(e) The Secretary of the Army, acting through the Chief of Engineers, shall prepare and submit annually a program progress report, including therein contributions of the Shoreline Erosion Advisory Panel, to the Committees on Public Works of the Senate and House of Representatives. The fifth and final report shall be submitted sixty days after the fifth fiscal year of funding and shall include a comprehensive evaluation of the national shoreline erosion control development and demonstration program.

(f) There is authorized to be appropriated for the first fiscal year following enactment of this section, and the succeeding four fiscal years, a total of not to exceed \$8,000,000 to carry out the provisions of this section.

SEC. 55. The Secretary of the Army, acting through the Chief of Engineers, is authorized to provide technical and engineering assistance to non-Federal public interests in developing structural and non-structural methods of preventing damages attributable to shore and streambank erosion.

SEC. 56. The project for Libby Dam (Lake Koocanusa), Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to compensate the drainage districts and owners of leveed and unleveed tracts, in Kootenai Flats, Boundary County, Idaho, for modification to facilities including gravity drains, structures, pumps, and additional pumping operational costs made necessary by, and crop and other damages resulting from, the duration of higher flows during drawdown operations at Libby Dam, except that the total of all such compensation shall not exceed \$1,500,000.

SEC. 57. The authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pennsylvania, as provided in section 101 of the River and Harbor Act of 1960 (74 Stat. 480) is reinstated and extended under the terms existing immediately prior to the termination of such authorization, for a period of five years from the date of enactment of this Act, or if the review study of such project being carried out by the Secretary of the Army is not completed prior to the end of such period, until such study is completed and a report thereon submitted to the Congress. There is authorized to be appropriated not to exceed \$3,500,000 to carry out this section.

*Sec. 58. (a) The project for navigation in the Atchafalaya River and Bayous Chene, Boeus, and Black, Louisiana, authorized by the River and Harbor Act of 1968 (82 Stat. 731) is hereby modified to provide that the non-Federal interests shall contribute 25 per centum of the costs of areas required for initial and subsequent disposal of spoil, and of necessary retaining dikes, bulkheads, and embankments therefor.*

*(b) The requirements for appropriate non-Federal interest or interests to furnish an agreement to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State or States involved, interstate agency, municipality, and other appropriate political subdivisions of the State and industrial concerns are participating in and in compliance with an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.*

*Sec. 59. Notwithstanding any other provision of law, the States of Illinois and Iowa, which are connected at Keokuk, Iowa, by the bridge constructed by the Keokuk and Hamilton Bridge Company pursuant to Public Law 342 of the Sixty-third Congress and at Burlington, Iowa, by the bridge constructed by the Citizens' Bridge Company, pursuant to Public Law 1 of the Sixty-fourth Congress are authorized to contract individually or jointly with either or both of the cities of Keokuk, Iowa, and Burlington, Iowa, on or before June 1, 1974, to assume responsibility for the operation, maintenance, and repair of the bridges at Keokuk and Burlington and the approaches thereto and for lawful expenses incurred in connection therewith. When either or both States have entered into such an agreement any outstanding principal and interest indebtedness on account of a bridge shall be paid from reserve funds accumulated for that purpose and the balance of such funds, if any, shall be used to defray costs of operating and maintaining the bridge. After such an agreement is entered into with respect to a bridge that bridge shall thereafter be free of tolls.*

*Sec. 60. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform channel cleanout operations and snagging and clearing for selected streams where chronic and persistent flood conditions exist in the lower Guyandot River Basin, West Virginia, for the purpose of improving channel capacities, visual environment, and human well-being all in the interest of flood control. Such operations shall be performed as an interim measure pending completion of the R.D. Bailey Lake project at a total cost not to exceed \$2,000,000. Appropriate non-Federal interests as determined by the Secretary of the Army, acting through the Chief of Engineers, shall, prior to initiation of remedial operations, agree in accordance with the provisions of section 221 of the Flood Control Act of 1970 that they will furnish the necessary lands, disposal areas, easements, and rights-of-way, and hold and save the United States free from damages due to the cleanout operations.*

*Sec. 61. Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended—*

(1) by striking out "\$25,000,000" and inserting in lieu thereof "\$30,000,000".

(2) by striking out "advisable:" and all that follows down through and including the period at the end of such section and insert in lieu thereof the following: "advisable. The amount allotted for a project shall be sufficient to complete Federal participation in the project. Not more than \$1,000,000 shall be allotted under this section for a project at any single locality, except that not more than \$2,000,000 shall be allotted under this section for a project at a single locality if such project protects an area which has been declared to be a major disaster area pursuant to the Disaster Relief Act of 1966 or the Disaster Relief Act of 1970 in the five-year period immediately preceding the date the Chief of Engineers deems such work advisable. The provisions of local co-operation specified in section 3 of the Flood Control Act of June 22, 1936, as amended, shall apply. The work shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of preliminary examination and survey reports."

SEC. 62. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to perform such work as may be necessary to provide for the repair and conversion to a fixed-type structure of dam numbered 3 on the Big Sandy River, Kentucky and West Virginia.

(b) The work authorized by this section shall have no effect on the condition that local interests shall own, operate, and maintain the structure and related properties as required by the Act of August 6, 1956 (70 Stat. 1062).

(c) There is authorized to be appropriated not to exceed \$330,000 to carry out this section.

SEC. 63. The project for hurricane-flood control at Texas City and vicinity, Texas, authorized by the Flood Control Act approved August 13, 1968, is hereby modified to provide that the non-Federal interests shall have until July 1, 1974, to provide the assurances of local cooperation required in accordance with the recommendations of the Chief of Engineers in House Document Numbered 187, Ninetieth Congress.

SEC. 64. Subsection (b) of section 206 of the Flood Control Act of 1960, as amended (33 U.S.C. 709a), is further amended by striking out "\$11,000,000" and inserting in lieu thereof "\$15,000,000".

SEC. 65. In the case of any reservoir project authorized for construction by the Corps of Engineers, Bureau of Reclamation, or other Federal agency when the Administrator of the Environmental Protection Agency determines pursuant to section 102(b) of the Federal Water Pollution Control Act that any storage in such project for regulation of streamflow for water quality is not needed, or is needed in a different amount, such project may be modified accordingly by the head of the appropriate agency, and any storage no longer required for water quality may be utilized for other authorized purposes of the project when, in the opinion of the head of such agency, such use is justified. Any such modification of a project where the benefits attributable to water quality are 15 per centum or more but not greater



than 25 per centum of the total project benefits shall take effect only upon the adoption of resolutions approving such modification by the appropriate committees of the Senate and House of Representatives. The provisions of the section shall not apply to any project where the benefits attributable to water quality exceed 25 per centum of the total project benefits.

SEC. 66. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake measures to clear the channel of the main channel of the Little Calumet River, Illinois, from its confluence with the Calumet-Sag channel eastward to Indiana State line, of fallen trees, roots, silt, and other debris and objects which contribute to flooding, unsightliness, and pollution of the river.

(b) Prior to initiation of measures authorized by this section, such non-Federal interests as the Secretary of the Army, acting through the Chief of Engineers, may require shall agree to such conditions of co-operation as the Secretary of the Army, acting through the Chief of Engineers, determines appropriate, except that such conditions shall be similar to those required for similar project purposes in other Federal waste resources projects.

SEC. 67. The project for navigation at Murrells Inlet, South Carolina, authorized under provisions of section 201 of the Flood Control Act of October 27, 1965 (Public Law 89-298), is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to perform such emergency dredging operations as the Chief of Engineers determines necessary to maintain channel depths sufficient to permit free and safe movement of vessels until such time as the authorized project is constructed.

SEC. 68. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake the phase 1 design memorandum stage of advanced engineering and design of the project involving the Willacy-Hidalgo Floodwater Bypass, the Laguna Madre Floodwater Channel, and the North Floodway Channel in the Lower Rio Grande Basin, in Willacy, Hidalgo, and Cameron Counties, Texas, substantially in accordance with the recommendations for phase I contained in the comprehensive study and plan of development, Lower Rio Grande Basin, Texas, dated July 1969, prepared by the United States Department of Agriculture in cooperation with the Texas Water Development Board, the Texas State Soil and Water Conservation Board, and the Texas Water Rights Commission, at an estimated Federal cost of \$600,000.

(b) The Secretary of the Army, in cooperation with the Secretary of Agriculture, shall seek reasonable assurances that an adequate land treatment program satisfactory to the Secretary of Agriculture will be installed to provide necessary protection to the watershed lands and planned structural measures; that non-Federal entities will acquire all land rights needed in connection with the construction of the works of improvement authorized by this section; and that such entities will operate and maintain any upstream structural works of improvement on non-Federal lands.

(c) Notwithstanding any other provision of law or regulation, the draft environmental impact statement prepared on such works of improvement by the Soil Conservation Service pursuant to section 102 (2) (C) of the National Environmental Policy Act shall constitute the



draft environmental impact statement on such works as authorized by this section, and such draft statement shall be circulated to Federal agencies and other appropriate parties at such time as the Secretary of the Army directs.

SEC. 69. The project for beach erosion control and hurricane (tidal flooding) protection in Dade County, Florida, authorized by section 203 of the Flood Control Act of August 13, 1968 (Public Law 90-483), is hereby modified to provide for initial construction by non-Federal interests, and for subsequent future nourishment by Federal or non-Federal interests, of the 0.85-mile project segment immediately south of Baker's Haulover Inlet, and for reimbursement of the applicable Federal share of those project costs as originally authorized. Federal reimbursement shall be contingent upon approval by the Chief of Engineers, prior to commencement of the work, of the detailed plans and specifications for accomplishing the work as being in accordance with the authorized project.

SEC. 70. Section 107 (b) of the River and Harbor Act of 1970 (84 Stat. 1818, 1820) is hereby amended by deleting "July 30, 1974" and inserting in lieu thereof "December 31, 1976", and deleting "\$6,500,000" and inserting in lieu thereof "\$9,500,000".

SEC. 71. The Secretary of the Army, acting through the Chief of Engineers, shall submit to the Congress not later than June 30, 1974, the survey report authorized by resolution of the Committee on Public Works, House of Representatives, dated October 12, 1972, concerning a modification of the Corpus Christi ship channel, Texas, project to provide increased depths and widths in the entrance channels from the Gulf of Mexico to a deeper draft inshore port in the vicinity of Harbor Island, Texas, and shall complete the advanced engineering and design for such modification by June 30, 1975. Such advanced engineering and design may be accomplished prior to authorization of the modification. The Secretary of the Army, acting through the Chief of Engineers, is authorized to accept funds made available by non-Federal interests and to expend such funds for the preparation of the survey report and accomplishment of the advanced engineering and design authorized and directed by this section. Such funds shall be repaid to such non-Federal interests out of moneys appropriated for construction of the modification.

SEC. 72. The project for hurricane-flood protection and beach erosion control at East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, New York, authorized by the Flood Control Act of 1965 (79 Stat. 1073), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to commence work on the beach erosion control aspect of the project, independently of the hurricane-flood protection aspect of the project. Construction of the beach erosion control aspect of the project may commence following the completion of environmental studies regarding that aspect, conducted pursuant to the National Environmental Policy Act of 1969. Nothing herein shall increase or reduce the percentage of total costs of the entire project to be contributed by the affected non-Federal interests.

SEC. 73. (a) In the survey, planning, or design by any Federal agency of any project involving flood protection, consideration shall be given to nonstructural alternatives to prevent or reduce flood damages including, but not limited to, floodproofing of structures; flood

plain regulation; acquisition of flood plain lands for recreational, fish and wildlife, and other public purposes; and relocation with a view toward formulating the most economically, socially, and environmentally acceptable means of reducing or preventing flood damages.

(b) Where a nonstructural alternative is recommended, non-Federal participation shall be comparable to the value of lands, easements, and rights-of-way which would have been required of non-Federal interests under section 3 of the Act of June 27, 1936 (Public Law Numbered 738, Seventy-fourth Congress), for structural protection measures, but in no event shall exceed 20 per centum of the project costs.

SEC. 74. The project for water quality control in the Arkansas-Red River Basin, Texas, Oklahoma, and Kansas, authorized by the Flood Control Acts of 1966 and 1970, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers to initiate construction of the area VIII feature of the project, consisting of a low-flow dam, pumping station and pipeline, and a brine dam, prior to the approval required by section 201, of the Flood Control Act of 1970.

SEC. 75. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to study the need for and means of providing visitor protection services at water resources development projects under the jurisdiction of the Department of the Army, and to report thereon to the Congress, with his recommendations, not later than December 31, 1974.

SEC. 76. The paragraph of section 209 of the Flood Control Act of 1966, Public Law 89-789, authorizing and directing the Secretary of the Army, acting through the Chief of Engineers, to conduct a survey of the Great South Bay, New York, is amended to read as follows:

"Great South Bay, New York, including the waters of adjoining lesser bays and inlets with respect to water utilization and control. Such investigations and study shall include, but not be limited to, navigation, fisheries, flood control, control of noxious weeds, water pollution, water quality control, beach erosion, and recreation. Such survey shall be provided to the Congress by July 31, 1975, and shall include the use of a comprehensive computer model."

SEC. 77. (a) The Federal Water Project Recreation Act (79 Stat. 213) is hereby amended as follows:

(1) Strike out "and to bear not less than one-half the separable costs of the project allocated to either or both of said purposes, as the case may be" in section 2(a) and insert in lieu thereof "and to bear not less than one-half the separable costs of the project allocated to recreation, and to bear one-quarter of such costs allocated to fish and wildlife enhancement".

(2) Strike out "not more than one-half the separable costs" in section 2(a) (3) and insert in lieu thereof "not more than one-half the separable costs of the project allocated to recreation and exactly three-quarters of such costs allocated to fish and wildlife enhancement".

(3) Strike out "bear not less than one-half the costs of lands, facilities, and project modifications provided for either or both of those purposes, as the case may be" in section 3(b) (1) and insert in lieu thereof "bear not less than one-half the costs of lands, facilities, and

project modifications provided for recreation, and will bear one-quarter of such costs for fish and wildlife enhancement".

(b) The amendments made by this section shall apply to all projects the construction of which is not substantially completed on the date of enactment of this Act.

(c) In the case of any project (1) authorized subject to specific cost-sharing requirements which were based on the same percentages as those established in the Federal Water Project Recreation Act, and (2) construction of which is not substantially completed on the date of enactment of this Act, the cost-sharing requirements for such project shall be the same percentages as are established by the amendments made by subsection (a) of this section for projects which are subject to the Federal Water Project Recreation Act.

SEC. 78. The project for flood protection on Indian Bend Wash, Maricopa County, Arizona, authorized by the Flood Control Act of 1965 (79 Stat. 1083) is hereby modified to provide that all costs of the siphon system from the Arizona Canal, required to be provided in connection with the relocation of irrigation facilities shall be paid by the United States.

SEC. 79. The multiple-purpose plan for the improvement of the Arkansas River and tributaries, authorized by the River and Harbor Act of July 24, 1946, as amended and modified, is hereby further amended to authorize the Secretary of the Army, acting through the Chief of Engineers, to reassign the storage provided in the Oologah Reservoir for hydroelectric power production to municipal and industrial water supply and to make such storage available for such purposes under the Water Supply Act of 1958, as amended.

SEC. 80. (a) The interest rate formula to be used in plan formulation and evaluation for discounting future benefits and computing costs by Federal officers, employees, departments, agencies, and instrumentalities in the preparation of comprehensive regional or river basin plans and the formulation and evaluation of Federal water and related land resources projects shall be the formula set forth in the "Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources" approved by the President on May 15, 1962, and published as Senate Document 97 of the Eighty-seventh Congress on May 29, 1962, as amended by the regulation issued by the Water Resources Council and published in the Federal Register on December 24, 1968 (33 F.R. 19170; 18 C.F.R. 704.39), until otherwise provided by a statute enacted after the date of enactment of this Act. Every provision of law and every administrative action in conflict with this section is hereby repealed to the extent of such conflict.

(b) In the case of any project authorized before January 3, 1969, if the appropriate non-Federal interests have, prior to December 31, 1969, given satisfactory assurances to pay the required non-Federal share of project costs, the discount rate to be used in the computation of benefits and costs for such project shall be the rate in effect immediately prior to December 24, 1968, and that rate shall continue to be used for such project until construction has been completed, unless otherwise provided by a statute enacted after the date of enactment of this Act.



(c) *The President shall make a full and complete investigation and study of principles and standards for planning and evaluating water and related resources projects. Such investigation and study shall include, but not be limited to, consideration of enhancing regional economic development, the quality of the total environment including its protection and improvement, the well-being of the people of the United States, and the national economic development, as objectives to be included in federally-financed water and related resources projects and in the evaluation of costs and benefits attributable to such projects, as intended in section 209 of the Flood Control Act of 1970 (84 Stat. 1818, 1829), the interest rate formula to be used in evaluating and discounting future benefits for such projects, and appropriate Federal and non-Federal cost sharing for such projects. He shall report the results of such investigation and study, together with his recommendations, to Congress not later than one year after funds are first appropriated to carry out this subsection.*

*SEC. 81. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to study the feasibility and practicality of constructing, operating, and maintaining in the vicinity of Duluth, Minnesota, a hydraulic model of all or a part of the Great Lakes and their connecting channels and an associated technical center, and to report thereon to Congress with recommendations not later than June 30, 1976.*

*SEC. 82. Section 5 of the Flood Control Act approved August 18, 1941, as amended (33 U.S.C. 701n), is amended as follows:*

*(1) The first sentence is amended by striking out "in the amount of \$15,000,000".*

*(2) By inserting immediately after the first sentence the following new sentence: "The Chief of Engineers, in the exercise of his discretion, is further authorized to provide emergency supplies of clean drinking water, on such terms as he determines to be advisable, to any locality which he finds is confronted with a source of contaminated drinking water causing or likely to cause a substantial threat to the public health and welfare of the inhabitants of the locality."*

*(3) The proviso in the next to the last sentence is amended by striking out "of said sum," and inserting in lieu thereof the following: "of sums to such emergency fund."*

*SEC. 83. (a) The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 30, 1935 (49 Stat. 1028) and the Act of August 20, 1937 (50 Stat. 731) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, in connection with the construction of the Bonneville second powerhouse, to relocate the town of North Bonneville, Washington, to a new townsite.*

*(b) As part of such relocation, the Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate in the planning of a new town with other Federal agencies and appropriate non-Federal interests; to acquire lands necessary for the new town and to convey title to said lands to individuals, business or other entities, and to the town as appropriate; and to construct a central sewage collection and treatment facility and other necessary municipal facilities.*



(c) The compensation paid to any individual or entity for the taking of property under this section shall be the amount due such individual or entity under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 less the fair market value of the real property conveyed to such individual or entity in the new town. Municipal facilities provided under the authority of this section shall be substitute facilities which serve reasonably as well as those in the existing town of North Bonneville except that they shall be constructed to such higher standards as may be necessary to comply with applicable Federal and State laws. Additional facilities may be constructed, or higher standards utilized, only at the expense of appropriate non-Federal interests.

(d) Before the Secretary of the Army acquires any real property for the new townsite appropriate non-Federal interests shall furnish binding contractual commitments that all lots in the new townsite will be either occupied when available, will be replacements for open space and vacant lots in the existing town, or will be purchased by non-Federal interests at the fair market value.

SEC. 84 (a) The project for flood protection on Fourmile Run, city of Alexandria and Arlington County, Virginia, approved by resolutions of the Committees on Public Works of the United States Senate and House of Representatives, dated June 25, 1970, and July 14, 1970, respectively, in accordance with the provisions of section 201 of the Flood Control Act of 1965 (Public Law 84-298), is hereby modified to incorporate the following:

(1) A channel capacity sufficient to accommodate flood flows of twenty-seven thousand cubic feet per second;

(2) An increase in channel bottom widths along Fourmile Run from one hundred seventy-five to two hundred feet from Mount Vernon Avenue to Long Branch and from one hundred fifty to one hundred seventy-five feet above Long Branch, and, along Long Branch, from forty to sixty feet.

(3) The deletion of the pumping stations, ponding areas, and levees, except for a short levee on Long Branch, and the substitution therefor of bank retention structures, including walls where required due to space limitations, and flood proofing by non-Federal interests of existing and future structures as necessary to provide protection against a one hundred-year flood;

(4) The addition of recreation as a project feature, including pedestrian and bicycle trails, active and passive recreation areas, picnic areas, and protection of existing marshland area.

(b) Prior to initiation of construction of this project, appropriate non-Federal interests shall agree to—

(1) provide without cost to the United States all lands, easement, and rights-of-way necessary for construction of the project;

(2) accomplish without cost to the United States all relocations and alterations to existing improvements, other than railroads and the George Washington Memorial Parkway Bridge, which may be required by the construction works, including the reconstruction of the existing United States Route 1 highway bridge with its approach ramps;

(3) hold and save the United States free from damages due to the construction works;

(4) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of the Army;

(5) prevent encroachment on the project flood channels that would decrease the effectiveness of the flood control improvement;

(6) provide at their own expense flood proofing of existing and future building and other measures as necessary to provide flood protection against a one hundred-year flood;

(7) develop a land management planning process acceptable to the Secretary of the Army for the entire watershed, including Arlington and Fairfax Counties and the cities of Alexandria and Falls Church, to insure that future development in the basin will not result in increased runoff which would impair the effectiveness of the flood control improvement;

(8) develop a land use management planning process satisfactory to the Secretary of the Army for the area protected by the project and other areas within the jurisdiction of the non-Federal interest or interests furnishing the cooperation for the project, which will insure, among other things, that future development will not be permitted in flood prone areas unless suitable structural or non-structural flood control measures are first undertaken by non-Federal public or private interests at no expense to the Federal Government;

(9) contribute in cash toward construction of the project a sum estimated at \$2,439,000, as follows:

(A) city of Alexandria—one-half of the cost of construction of the channels and floodwalls between Commonwealth Avenue and Interstate 95, in the city of Alexandria, or \$1,500,000, whichever is greater,

(B) Arlington County—\$500,000,

(C) Richmond, Fredericksburg, and Potomac Railroad Company—\$439,000;

(10) pay 50 per centum of the separable costs of the project allocated to recreation, consistent with the Federal Water Project Recreation Act (Public Law 89-72).

(c) There is authorized to be appropriated to the Secretary of the Army for construction of the Fourmile Run project not to exceed \$29,981,000, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in the cost of construction as indicated by engineering cost indexes applicable to the type of construction involved.

SEC. 85. (a) The projects for Verona Dam and Lake, Virginia, and for Sixes Bridge Dam and Lake, Maryland, are hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in House Document Numbered 91-343 as modified by the recommendations of the Chief of Engineers in his report dated July 13, 1973, except that such authorization shall be limited to the phase I design memorandum of advanced engineering and design, at an estimated cost of \$1,400,000.

(b) (1) Prior to any further authorization of such Sixes Bridge Dam Project, the Secretary of the Army, acting through the Chief of Engineers shall (A) make a full and complete investigation and study of the future water resources needs of the Washington metropolitan area, including but not limited to the adequacy of present water supply, nature of present and future uses, the effect water pricing policies and use restrictions may have on future demand, the feasibility of utilizing water from the Potomac estuary, all possible water impoundment sites, natural and recharged ground water supply, wastewater reclamation, and the effect such projects will have on fish, wildlife, and present beneficial uses, and shall provide recommendations based on such investigation and study for supplying such needs, and (B) report to the Congress the results of such investigation and study together with such recommendations. The study of measures to meet the water supply needs of the Washington metropolitan area shall be coordinated with the Northeastern United States water supply study authorized by the Act of October 27, 1965 (79 Stat. 1073).

(2) The Secretary of the Army, acting through the Chief of Engineers, shall undertake an investigation and study of the use of estuary waters to determine the feasibility of using such waters as a source of water supply and is authorized to construct, operate, and evaluate a pilot project on the Potomac estuary for the treatment of such waters at an estimated cost of \$6,000,000. The Secretary of the Army, acting through the Chief of Engineers, shall report to the Congress on the results of such project within three years after commencement of operation of such project and such report shall include the results of two years testing at the pilot project for the treatment of water from the Potomac estuary.

(3) The Secretary of the Army, acting through the Chief of Engineers, shall request the National Academy of Sciences-National Academy of Engineering to review and by written report comment upon the scientific basis for the conclusions reached by the investigation and study of the future water resource needs of the Washington metropolitan area and the pilot project for the treatment of water from the Potomac estuary. Such review and written report shall be completed and submitted to the Congress within one year following the completion of both the Corps of Engineers report on the future water resource needs of the Washington metropolitan area and the report on the results derived from the pilot project for the treatment of water from the Potomac estuary. Completion of such review and written report by the National Academy of Sciences-National Academy of Engineering shall be a condition of further authorization of such Sixes Bridge Dam Project.

(4) The Secretary of the Army is authorized to enter into appropriate arrangements with the National Academy of Sciences-National Academy of Engineering for the purpose of this subsection.

(c) There is authorized \$1,000,000 for the purposes of carrying out the provisions contained in paragraph (3) of subsection (b).

SEC. 86. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to assist the National Park Service in the National Park Service's program to plan for, design, and implement restoration of the historical and ecological values of Dyke Marsh on the Potomac River. Such assistance may include, but need not be

limited to, furnishing suitable fill material obtained from the Potomac River or its tributaries, its placement, upon request, and engineering and technical services.

(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make an investigation and study of the siltation and sedimentation problems of the Potomac River basin with particular emphasis on these problems as they exist in the Washington metropolitan area of the basin. This study is to be made in consultation with the Departments of Interior and Agriculture, the Environmental Protection Agency, and other interested Federal, State, and local entities and is to include, but need not be limited to, a description of the extent of such problems together with the Chief of Engineer's recommendations on feasible and environmentally sound methods of removing polluted river bed materials to enhance water quality, recreation use, fish and wildlife, navigation, and the esthetics of the basin, as well as his recommendations on alternative methods and sites for the proper disposal of such materials. The Secretary of the Army shall transmit this study and the Chief of Engineer's recommendations to the Congress no later than three years from the date of enactment of this Act.

SEC. 87. The comprehensive plan for flood control and other purposes for the Mississippi River and tributaries, approved by the Flood Control Act of June 15, 1936, as amended, is hereby modified to provide that the channel of Bayou Courtableau be enlarged from Washington to the west protection levee in lieu of the authorized Washington to Courtableau diversion, and that the right-of-way and spoil areas therefor be provided at Federal expense. Further, that additional culverts through the west protection levee be provided as necessary for the increased flow.

SEC. 88. (a) The project for flood control below Chatfield Dam on the South Platte River, Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to participate with non-Federal interests in the acquisition of lands and interests therein and in the development of recreational facilities immediately downstream of the Chatfield Dam, in lieu of a portion of the authorized channel improvement, for the purpose of flood control and recreation.

(b) Such participation shall (1) consist of the amount of savings realized by the United States, as determined by the Secretary of the Army, acting through the Chief of Engineers, in not constructing that portion of the authorized channel improvement below the dam, together with such share of any land acquisition and recreation development costs, over and above that amount, that the Secretary of the Army determines is comparable to the share available under similar Federal programs providing financial assistance for recreation and open spaces, (2) in the instance of the aforementioned land acquisition, be restricted to those lands deemed necessary by the Secretary of the Army for flood control purposes, and (3) not otherwise reduce the local cooperation required under the project.

(c) Prior to the furnishing of the participation authorized by this Act, non-Federal interests shall enter into a binding written agreement with the Secretary of the Army to prevent any encroachments in



needed flood plain detention areas which would reduce their capability for flood detention and recreation.

SEC. 89. The project for the Rogue River Basin, Oregon and California, as authorized in section 203 of the Flood Control Act of 1962 (Public Law 87-874) is modified to provide that construction of the Applegate Lake, Oregon project may commence prior to non-Federal interests making necessary arrangements with the Secretary of the Interior for repayment in accordance with Federal reclamation laws. The Applegate project shall not be operated for irrigation purposes until such time as the Secretary of the Interior makes the necessary arrangements with non-Federal interests to recover the costs, in accordance with Federal reclamation laws, which are allocated to the irrigation purpose.

SEC. 90. The plan for flood protection in the Big Sandy River Basin, Kentucky, West Virginia, and Virginia included in the comprehensive plan for flood control in the Ohio River Basin, authorized by the Flood Control Act, approved June 22, 1936 (49 Stat. 1570), as amended and modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide all communities in the Tug Fork Valley of the Big Sandy River Basin, Kentucky, Virginia, and West Virginia, with comprehensive flood protection by a combination of local flood protection works and residential flood proofing similar to the measures described by the Chief of Engineers in the "Report on Tug Fork, July 1970", except that such authorization shall be limited to the phase I design memorandum stage of advanced engineering and design at an estimated cost of \$1,290,000.

SEC. 91. The New York Harbor collection and removal of drift project is hereby modified in accordance with the recommendations contained in "Survey Report on Review of Project, New York Harbor Collection and Removal of Drift," dated June 1968, revised March 1969, and April 1971, on file in the Office, Chief of Engineers. There is authorized to be appropriated not to exceed \$14,000,000 to carry out the modification authorized by this section.

SEC. 92. (a) The hurricane-flood protection project on Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89-298) is hereby modified to provide that non-Federal public bodies may agree to pay the unpaid balance of the cash payment due, with interest, in yearly installments. The yearly installments will be initiated when the Secretary determines that the project is complete but in no case shall the initial installment be delayed more than ten years after the initiation of project construction. Each installment shall not be less than one twenty-fifth of the remaining unpaid balance plus interest on such balance, and the total of such installments shall be sufficient to achieve full payment, including interest, within twenty-five years of the initiation of project construction.

(b) The rate of interest on the unpaid balance shall be that specified in section 301(b) of the Water Supply Act of 1958 (Public Law 85-500).

(c) Any payment agreement pursuant to the provisions of this Act shall be in writing, and the provisions of subsections (b), (c), and (e) of section 221 of the Flood Control Act of 1970 (Public Law 91-611) shall be applicable to such written agreement.

SEC. 93. Section 107 of the River and Harbor Act of 1948 (62 Stat. 1174) is amended by striking out "\$22,000" and inserting in lieu thereof "\$45,000".

SEC. 94. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed, in coordination with the State of Kentucky and appropriate local agencies, (1) to repair existing flood damage to River Road at Rabbit Hash, Boone County, Kentucky, or, as appropriate, to relocate River Road, (2) to repair existing flood damage to Huff Road (also known as Ryle Road) at Hamilton Landing, Boone County, Kentucky, or, as appropriate, to relocate Huff Road, and (3) to construct needed streambank protection works to prevent future erosion damage to public and private facilities at and near Boone County, Kentucky.

(b) There is authorized to be appropriated not to exceed \$375,000 for the roadwork authorized by this section and not to exceed \$600,000 to construct the bank protection works.

SEC. 95. The project for Russian River, Dry Creek, California, as authorized in section 203 of the Flood Control Act of 1962 (76 Stat. 1173), as modified, is further modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to compensate for fish losses on the Russian River which may be attributed to the operation of the Coyote Dam component of the project through measures such as possible expansion of the capacity of the fish hatchery at the Warm Springs Dam component of the project.

SEC. 96. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to investigate and study the feasibility of acquiring, as a part of the project for Kehoe Lake, Kentucky, authorized by the Flood Control Act of 1966, an area consisting of approximately 4,000 acres for maintenance in its natural state and for the purpose of environmental investigations.

SEC. 97. (a) If the Secretary of the Army acting through the Chief of Engineers, finds that the proposed project in Salisbury, Maryland, to be undertaken at the locations to be declared nonnavigable under this section is in the public interest, on the basis of engineering studies to determine the location and structural stability of any bulkheading and filling and permanent pile-supported structures, in order to preserve and maintain the remaining navigable waterway and on the basis of environmental studies conducted pursuant to the National Environmental Policy Act of 1969, then those portions of the South Prong of the Wicomico River in Wicomico County, State of Maryland, bounded and described as follows, are declared to be not a navigable water of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given, consistent with subsection (b) of this section, to the filling in of a part thereof or the erection of permanent pile-supported structures thereon: That portion of the South Prong of the Wicomico River in Salisbury, Maryland, bounded on the east by the west side of United States Route 13; on the west by the west side of the Mill Street Bridge; on the south by a line five feet landward from the present water's edge at high tide extending the entire length of the South Prong from the east boundary at United States Route 13 to the west boundary at the Mill Street Bridge; and on the north by a line five feet landward from the present water's edge at high tide extending the entire length of the South Prong from the

east boundary at United States Route 13 to the west boundary at the Mill Street Bridge.

(b) This declaration shall apply only to the portions of the areas described in subsection (a) which are bulkheaded and filled or occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers. Such bulkheaded and filled areas or areas occupied by permanent pile-supported structures shall not reduce the existing width of the Wicomico River to less than sixty feet and a minimum depth of five feet shall be maintained within such sixty-foot width of the Wicomico River. Local interests shall reimburse the Federal Government for engineering and all other costs incurred under this section.

SEC. 98. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake a demonstration project for the removal of silt and aquatic growth from Broadway Lake, Anderson County, South Carolina, at an estimated cost of \$400,000. The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and the results of such project together with such recommendations as he determines necessary to assist in carrying out the program for fresh water lakes under section 314 of the Federal Water Pollution Control Act.

SEC. 99. The Cache River Basin Project Feature Mississippi River and Tributaries Project, Arkansas, authorized by the Flood Control Act approved May 17, 1950, is hereby modified to provide for acquisition by fee or easements, of not more than seventy thousand acres of land for fish and wildlife management, recreation, and environmental purposes, of which not less than thirty thousand acres shall be available for public use in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-366. The total Federal expenditure for this acquisition shall not exceed \$7,000,000 and local interests shall contribute 50 per centum of any cost in excess of \$6,000,000. No action may be initiated for any taking of prospective mitigation lands until an offer has first been made to the landowner thereof to take only an environmental easement. Easement-taking offers shall allow the landowner the choice of either keeping access subject to private control or allowing public access. Easements for environmental purposes on lands not cleared at the time of taking shall prevent clearing of the land for commercial agricultural purposes or any other purpose inconsistent with wildlife habitat but shall allow any landowners to manage the lands to provide a perpetual, regularly harvested hardwood forest, which may be harvested in such a manner as to provide food and habitat for a variety of wildlife. Selection of areas and designation of use shall be within the discretion of the Chief of Engineers. Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), pertaining to the distribution of revenues, is hereby extended and made applicable to those lands acquired hereunder by the Department of the Army, Corps of Engineers, for mitigation purposes upon their transfer to the Department of the Interior, or any other governmental agency. No less than 20 per centum of the funds appropriated each fiscal year for the Cache River project shall be appropriated to implement mitigation until the full mitigation amount has been appropriated.

*SEC. 100. The Knife River Harbor project on Lake Superior, Minnesota, is hereby modified to require the Secretary of the Army, acting through the Chief of Engineers, to construct such measures as the Chief of Engineers determines necessary to correct the design deficiency which results in unsatisfactory entrance and mooring conditions at such harbor, at an estimated cost of \$850,000.*

*SEC. 101. The project for flood protection on the Rahway River, New Jersey, authorized by the Flood Control Act of 1965 is hereby modified to provide that the costs of relocations of utilities within the channel walls shall be borne by the United States.*

*SEC. 102. The project for flood protection on the Chariton River, Iowa and Missouri, as authorized by the Flood Control Act of 1954 (68 Stat. 1262) is modified to authorize and direct the Secretary of the Army to make a payment of \$700,000 to the Iowa Conservation Commission toward the cost of construction by such Commission of the fish hatchery planned to be constructed for the purpose of restoring fish losses resulting from the construction of Rathbun, Saylorville, Coralville, and Red Rock Dam and Lake in the State of Iowa. No such payment shall be made until the Secretary of the Army, acting through the Chief of Engineers, shall have approved the plans for such fish hatchery.*

*SEC. 103. The project for the Kansas River, Kansas, Nebraska, and Colorado, authorized by the Flood Control Act of 1962 (76 Stat. 1180, 1187) is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to relocate the existing FAS 1343 crossing over the Vermilion Creek, as required for the Onaga Lake project, in advance of construction of such project.*

*SEC. 104. The requirements of section 221 of the Flood Control Act of 1970 (Public Law 91-611) shall not apply to any agreements, to include agreements on recreational development, between the Federal Government and the State of West Virginia for local cooperation as a condition for the construction of the project for Stonewall Jackson Lake, West Fork River, West Virginia, authorized by section 203 of the Flood Control Act of 1966 (Public Law 89-789). The Secretary of the Army, acting through the Chief of Engineers, is authorized to contract with the State of West Virginia on the items of local cooperation for the Stonewall Jackson Lake project, which are to be assumed by the State, notwithstanding that the State may elect to make its performance of any obligation contingent upon the State legislature making the necessary appropriations and funds being allocated for the same or subject to the availability of funds on the part of the State.*

*SEC. 105. The project for flood protection on the Souris River at Minot, North Dakota, approved by resolutions of the Committees on Public Works of the Senate and House of Representatives under the authority of section 201 of the Flood Control Act of 1968, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to reimburse the designated non-Federal public bodies for the estimated additional cost being incurred by them for lands and relocations in the proposed channel realignment at the Third Avenue N.E. Bridge in Minot. The amount of reimbursable costs shall not exceed \$200,000.*

*SEC. 106. Notwithstanding section 105 of the River and Harbor Act of 1966 (80 Stat. 1406) or any other provision of the law, the*



*States of Illinois and Missouri, which are connected by the bridge constructed by the city of Chester, Illinois, pursuant to Public Law 76-751 and Public Law 85-512, are authorized to contract individually or jointly with the city of Chester, Illinois, on or before June 1, 1974, to assume responsibility for the operation, maintenance, and repair of the Chester Bridge and the approaches thereto and lawful expenses incurred in connection therewith (exclusive of principal, interest, and financing charges on the outstanding indebtedness on such bridge and approaches). When either or both States enter into such an agreement, all tolls thereafter charged for transit over such bridge shall, except as provided in the last two sentences of this Act, be used exclusively (A) to retire outstanding indebtedness (including reasonable interest and financing charges) on the bridge and approaches thereto and (B) credited into a sinking fund established for such bridge. No tolls shall be charged for transit over such bridge after the outstanding indebtedness on the bridge and approaches (including reasonable interest and financing charges) has been retired, or sufficient funds are available through the sinking fund to pay off all outstanding indebtedness (including reasonable interest and financing charges) on such bridge and approaches. If a State declines or is unable to participate in the agreement authorized by this Act, the other State may assume the responsibilities such State would have assumed under such an agreement. In that event, the assuming State shall be entitled to receive from toll revenues, after provision is made for principal and interest payments on any indebtedness then outstanding on the bridge and its approaches, as reimbursement, an amount of money (no less often than annually) which is equal to the nonparticipating State's fair share of the operating, maintenance, repair, and other lawful costs incurred in connection with the bridge and its approaches.*

*SEC. 107. If the Secretary of the Army, acting through the Chief of Engineers and in consultation with the Administrator of the Environmental Protection Agency and affected non-Federal interests, determines that environmental, engineering, and economic considerations make it advisable to utilize the services of a regional or municipal sewage treatment plant for the treatment of sewage resulting from the operating of recreation and other facilities at Corps of Engineers water resources development projects, then the Secretary is authorized to include as part of the reasonable service charges contemplated by section 313 of the Federal Water Pollution Control Act payment, in whole or in part, for that portion of the costs of constructing the sewage treatment plant which is attributable to the purpose of treating the sewage resulting from the operation of such Corps facilities. Payment for such construction cost may be either in lump sum or on an installment basis.*

*SEC. 108. (a) As used in this section the term "Secretary" shall mean the Secretary of the Army, acting through the Chief of Engineers. The Secretary, in accordance with the national recreation area concept included in the interagency report prepared pursuant to section 218 of the Flood Control Act of 1968 (Public Law 90-483) by the Corps of Engineers, the Department of the Interior, and the Department of Agriculture, as modified by this section, is authorized and directed to establish on the Big South Fork of the Cumberland River in Kentucky and Tennessee the Big South Fork National River*

and Recreation Area (hereafter in this section referred to as the "National Area") for the purposes of conserving and interpreting an area containing unique cultural, historic, geologic, fish and wildlife, archeologic, scenic, and recreational values, preserving as a natural, free-flowing stream the Big South Fork of the Cumberland River, major portions of its Clear Fork and New River stems, and portions of their various tributaries for the benefit and enjoyment of present and future generations, the preservation of the natural integrity of the scenic gorges and valleys, and the development of the area's potential for healthful outdoor recreation. The boundaries shall be as generally depicted on the drawing prepared by the Corps of Engineers and entitled "Big South Fork National River and Recreation Area" identified as map number BSF-NRRA(1)(A) and dated October 1972, which shall be on file and available for public inspection in the office of the District Engineer, U.S. Army Engineer District, Nashville, Tennessee.

(b) The Secretary shall establish the National Area by publication of notice thereof in the Federal Register when he determines that the United States has acquired an acreage within the boundaries of the National Area that is efficiently administrable for the purposes of this section. After publication of notice, and after he has completed the construction of necessary access roads, day-use facilities, campground facilities, lodges, and administrative buildings, the Secretary shall transfer the jurisdiction of the National Area to the Secretary of the Interior who shall administer the National Area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented. In the administration of the National Area the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this section. The Secretary of the Interior may, after transfer to him, revise the boundaries from time to time, but the total acreage within such boundaries shall not exceed one hundred and twenty-five thousand acres. Following such transfer the authorities available to the Secretary in subsection (c) of this section shall likewise be available to the Secretary of the Interior. The Secretary may, prior to the transfer to the Secretary of the Interior, revise the boundaries from time to time, but the total acreage within such boundaries shall not exceed one hundred and twenty-five thousand acres.

(c) (1) Within the boundaries of the National Area, the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, or exchange or otherwise, except that lands (other than roads and rights-of-way for roads) owned by the States of Kentucky and Tennessee or any political subdivisions thereof may be acquired only by donation. When an individual tract of land is only partly within the boundaries of the National Area, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the National Area may be exchanged by the Secretary for non-Federal lands within the National Area boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949

(63 Stat. 377; 40 U.S.C. 471 et seq.), as amended. Notwithstanding any other provision of law, any Federal property within the boundaries of the National Area shall be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this section.

(2) With the exception of property or any interest in property that the Secretary determines is necessary for purposes of administration, preservation, or public use, any owner or owners (hereafter in this section referred to as "owner") of improved property used solely for noncommercial residential purposes on the date of its acquisition by the Secretary may retain the right of use and occupancy of such property for such purposes for a term, as the owner may elect, ending either (A) upon the death of the owner or his spouse, whichever occurs later, or (B) not more than twenty-five years from the date of acquisition. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the term retained by the owner. Such right: shall be subject to such terms and conditions as the Secretary deems appropriate to assure that the property is used in accordance with the purposes of this section; may be transferred or assigned; and may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes, and upon tender to the holder of the right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination. Any person residing upon improved property, subject to the right of acquisition by the Secretary as a tenant or by the sufferance of the owner or owners of the property may be allowed to continue in such residence for the lifetime of such person or his spouse, whichever occurs later, subject to the same restrictions as applicable to owners residing upon such property and provided that any obligation or rental incurred as consideration for such tenancy shall accrue during such term to the United States to be used in the administration of this section.

(3) As used in this section the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before January 1, 1974, together with so much of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, except that the Secretary may exclude from any improved property any waters or land fronting thereon, together with so much of the land adjoining such waters or land as he deems necessary for public access thereto.

(4) In any case where the Secretary determines that underlying minerals are removable consistent with the provisions of subsection (e) (3) of this section, the owner of the minerals underlying property acquired for the purposes of this section may retain such interest. The Secretary shall reserve the right to inspect and regulate the extraction of such minerals to insure that the values enumerated in subsection (a) are not reduced and that the purposes declared in subsection (e) (1) are not interfered with.



(d) *The Secretary, and the Secretary of the Interior after jurisdiction over the National Area has been transferred to him under subsection (b) of this section, shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the National Area in accordance with applicable Federal and State laws, except that he may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary or the Secretary of the Interior pursuant to this subsection shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.*

(e) (1) *The National Area shall be established and managed for the purposes of preserving and interpreting the scenic, biological, archeological, and historical resources of the river gorge areas and developing the natural recreational potential of the area for the enjoyment of the public and for the benefit of the economy of the region. The area within the boundary of the National Area shall be divided into two categories; namely, the gorge areas and adjacent areas as hereinafter defined.*

(2) (A) *Within the gorge area, no extraction of, or prospecting for, minerals, petroleum products, or gas shall be permitted. No timber shall be cut within the gorge area except for limited clearing necessary for establishment of day-use facilities, historical sites, primitive campgrounds, and access roads. No structures shall be constructed within the gorge, except for reconstruction and improvement of the historical sites specified in paragraphs (5) and (6) of this subsection and except for necessary day-use facilities along the primary and secondary access routes specified herein and within five hundred feet of such roads, and except for primitive campgrounds accessible only by water or on foot. No motorized transportation shall be allowed in the gorge area except on designated access routes.*

(B) *Primary access routes into the gorge area may be constructed or improved upon the general route of the following designated roads: Tennessee Highway Numbered 52, FAS 2451 (Leatherwood Ford Road), the road into the Blue Heron Community, and Kentucky Highway Numbered 92.*

(C) *Secondary access roads in the gorge area may be constructed or improved upon the following routes: the roads from Smith Town, Kentucky, to Worley, Kentucky, the road crossing the Clear Fork at Burnt Mill Bridge, the road from Goad, Tennessee, to Zenith, Tennessee, the road from Co-Operative, Kentucky, to Kentucky Highway Numbered 92, the road entering the gorge across from the mouth of Alum Creek in Kentucky, the road crossing the Clear Fork at Peters Bridge.*

(D) *All other existing roads in the gorge area shall be maintained for nonvehicular traffic only, except that nothing in this section shall abrogate the right of ingress and egress of those who remain in occupancy under subsection (c) (1) of this section.*

(E) *Road improvement or maintenance and any construction of roads or facilities in the gorge area as permitted by this section shall be accomplished by the Secretary in a manner that will protect the declared values of this unique natural scenic resource.*



(3) *In adjacent areas: the removal of timber shall be permitted only where required for the development or maintenance of public use and for administrative sites and shall be accomplished with careful regard for scenic and environmental values; prospecting for minerals and the extraction of minerals from the adjacent areas shall be permitted only where the adit to any such mine can be located outside the boundary of the National Area; no surface mining or strip mining shall be permitted; prospecting and drilling for petroleum products and natural gas shall be permitted in the adjacent area under such regulations as the Secretary or the Secretary of the Interior, after jurisdiction over the national river and recreation area has been transferred to him under subsection (b) of this section, may prescribe to minimize detrimental environment impact, such regulations shall provide among other things for an area limitation for each such operation, zones where operations will not be permitted, and safeguards to prevent air and water pollution; no storage facilities for petroleum products or natural gas shall be located within the boundary of the National Area except as necessary and incidental to production; the Secretary is authorized to construct two lodges with recreational facilities within the adjacent areas so as to maximize and enhance public use and enjoyment of the National Area; construction of all roads and facilities in the adjacent areas shall be undertaken with careful regard for the maintenance of the scenic and esthetic values of the gorge area and the adjacent areas.*

(4) *The gorge area as set out in paragraphs (1) and (2) of this subsection shall consist of all lands and waters of the Big South Fork, Clear Fork, and New River which lie between the gorge or valley rim on either side (where the rim is not clearly defined by topography, the gorge boundary shall be established at an elevation no lower than that of the nearest clearly demarked rim on the same side of the valley), and those portions of the main tributaries and streams in the watersheds of the Big South Fork, Clear Fork, and New River that lie within a gorge or valley rim on either side, except that no lands or waters north of Kentucky Highway Numbered 92 shall be included. The designated adjacent areas shall consist of the balance of the National Area.*

(5) *The Secretary, and the Secretary of the Interior, shall consult and cooperate with the Tennessee Historical Commission and the Rugby Restoration Association and with other involved agencies and associations, both public and private, concerning the development and management of the National Area in the area adjacent to Rugby, Tennessee. Development within the area adjacent to Rugby, Tennessee, shall be designed toward preserving and enhancing the historical integrity of the community and any historical sites within the boundary of the National Area.*

(6) *The Secretary, or the Secretary of the Interior, after jurisdiction over the National Area has been transferred to him under subsection (b) of this section, shall provide for the restoration of the Blue Heron Mine community in a manner which will preserve and enhance the historical integrity of the community and will contribute to the public's understanding and enjoyment of its historical value. To that end the Secretary, or the Secretary of the Interior, after jurisdiction over the National Area has been transferred to him under subsection*

(b) of this section, may construct and improve structures within and may construct and improve a road into this community.

(7) The Secretary shall study the desirability and feasibility of re-establishing rail transportation on the abandoned O&W railbed or an alternative mode of transportation within the National Area upon the O&W roadbed, and shall report to Congress his recommendation with regard to development of this facility.

(f) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063) as amended (16 U.S.C. 791a et seq.), within or directly affecting the National Area and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which the National Area was established. Nothing contained in the preceding sentence shall preclude licensing of, or assistance to, developments below or above the National Area or on any stream tributary thereto which will not invade the National Area or unreasonably diminish the scenic, recreation, and fish and wildlife values present in the area on the date of enactment of this section. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which the National Area was established, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary or the Secretary of the Interior, after jurisdiction over the National Area has been transferred to him under subsection (b) of this section, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendations or request in what respect construction of such project would be in conflict with the purposes of this section and would affect the National Area and the values to be protected under this section.

(g) The Secretary shall study transportation facilities in the region served by the National Area and shall establish transportation facilities to enhance public access to the National Area. In this connection the Secretary is authorized to acquire and maintain public roads, other than State highways, necessary to serve the public use facilities within the National Area, and to establish and maintain, at Federal cost an interior and circulating road system sufficient to meet the purposes of this section. Any existing public road, which at the time of its acquisition continues to be a necessary and essential part of the county highway system, may, upon mutual agreement between the Secretary and the owner of such road, be relocated outside of the National Area and if not so relocated such road shall be maintained at Federal expense and kept open at all times for general travel purposes. Nothing in this subsection shall abrogate the right of egress and ingress of those persons who may remain in occupancy under subsection (c) of this section. Nothing in this subsection shall preclude the adjustment, relocation, reconstruction, or abandonment of State highways situated in the National Area, with the concurrence of the agency having the custody of such highways upon entering into such arrangements as the Secretary or the Secretary of the Interior, after jurisdiction over

the National Area has been transferred to him under subsection (b) of this section, deems appropriate and in the best interest of the general welfare.

(h) In furtherance of the purpose of this subsection the Secretary in cooperation with the Secretary of Agriculture, the heads of other Federal departments and agencies involved, and the State of Tennessee and its political subdivisions, shall formulate a comprehensive plan for that portion of the New River that lies upstream from United States Highway Numbered 27. Such plan shall include, among other things, programs to enhance the environment and conserve and develop natural resources, and to minimize siltation and acid mine drainage. Such plan, with recommendations, including those as to costs and administrative responsibilities, shall be completed and transmitted to the Congress within one year from the date of enactment of this section.

(i) The Secretary or the Secretary of the Interior, after jurisdiction over the National Area has been transferred to him under subsection (b) of this subsection, shall consult and cooperate with other departments and agencies of the United States and the States of Tennessee and Kentucky in the development of measures and programs to protect and enhance water quality within the National Area and to insure that such programs for the protection and enhancement of water quality do not diminish other values that are to be protected under this section.

(j) (1) Until such time as the transfer of jurisdiction to the Secretary of the Interior authorized by subsection (b) of this section shall take place, for the purpose of financially assisting the States of Tennessee and Kentucky, McCreary County, Kentucky, and Scott, Morgan, Pickett, and Fentress Counties in Tennessee, because of losses which these jurisdictions will sustain by reason of the fact that certain lands and other property within their boundaries may be included within the National Area established by this section and thereafter will no longer be subject to real and personal property taxes levied or imposed by them, payments shall be made to them on an annual basis in an amount equal to those taxes levied or imposed on such property for the last taxable year immediately preceding the date of enactment of this section.

(2) For the purpose of enabling the Secretary to make such payments during the fiscal years ending June 30, 1975, June 30, 1976, June 30, 1977, June 30, 1978, and June 30, 1979, there are authorized to be appropriated such sums as may be necessary.

(k) There are authorized to be appropriated \$32,850,000 to carry out the provisions of this section, other than subsection (j) of this section. No moneys shall be appropriated from the Land and Water Conservation Fund to carry out the purposes of this section.

SEC. 109. This title may be cited as the "Water Resources Development Act of 1974".

## TITLE II—RIVER BASIN MONETARY AUTHORIZATIONS

SEC. 201. (a) In addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of

*the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:*

	Date	Amount
Alabama-Coosa River Basin.....	Mar. 2, 1945	\$31,000,000
Arkansas River Basin.....	June 28, 1938	14,000,000
Brazos River Basin.....	Sept. 3, 1954	19,000,000
Central and southern Florida.....	June 30, 1948	15,000,000
Columbia River Basin.....	June 28, 1944	94,000,000
Mississippi River and tributaries.....	May 15, 1928	211,000,000
Missouri River Basin.....	June 28, 1938	72,000,000
North Branch, Susquehanna River Basin.....	July 3, 1952	64,000,000
Ohio River Basin.....	June 22, 1936	120,000,000
Ouachita River Basin.....	May 17, 1950	4,000,000
Red River Waterway project.....	Aug. 13, 1968	9,000,000
San Joaquin River Basin.....	Dec. 22, 1944	83,000,000
South Platte River Basin.....	May 17, 1950	15,000,000
Upper Mississippi River Basin.....	June 28, 1938	4,000,000
White River Basin.....	do.....	9,000,000

(b) *The total amount authorized to be appropriated by this section shall not exceed \$764,000,000.*

*SEC. 202. The Secretary of the Army, acting through the Chief of Engineers, is authorized to initiate the second phase of the bank erosion control works and setback levees on the Sacramento River, California, authorized by the Flood Control Act of 1960, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 93-151, and the monetary authorization for the Sacramento River Basin, basically authorized by the Act of December 22, 1944, is increased by not to exceed \$16,000,000 for such purpose.*

*SEC. 203. This title may be cited as the "River Basin Monetary Authorization Act of 1974".*

And the Senate agree to the same.

RAY ROBERTS,  
HAROLD T. JOHNSON,  
GLENN M. ANDERSON,  
ROBERT A. ROE,  
WILLIAM H. HARSHBARGER,  
GENE SNYDER,  
DON H. CLAUSEN,

*Managers on the Part of the House.*

MIKE GRAVEL,  
JENNINGS RANDOLPH,  
LLOYD BENTSEN,  
QUENTIN BURDICK,  
WILLIAM L. SCOTT,  
HOWARD H. BAKER,  
ROBERT T. STAFFORD,

*Managers on the Part of the Senate.*



## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10203) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment.

The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for clarifying, clerical, and conforming changes, the differences are noted below:

### TITLE I—WATER RESOURCES DEVELOPMENT

#### ADVANCED ENGINEERING AND DESIGN AUTHORIZATION

##### *House bill*

This section establishes a new procedure for authorization of major water resources development projects of the Corps of Engineers. Subsection (a) would authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake the Phase I design memorandum stage of advanced engineering and design of major water resources development projects substantially in accordance with, and subject to conditions recommended by the Chief of Engineers in the reports designated in section 1. Subsection (b) would authorize the Secretary of the Army to undertake advanced engineering and design for the projects in subsection (a) after completion of the Phase I design memorandum stage of such projects only upon a finding by the Chief of Engineers, transmitted to the Committees on Public Works of the Senate and House of Representatives, that the project is without substantial controversy, that it is substantially in accordance with and subject to the conditions recommended by the Chief of Engineers or the Secretary of the Army, as appropriate, in the designated reports, and that the advanced engineering and design will be compatible with any project modifications which may be under consideration. There is authorized to be appropriated for subsection (b) an amount not to exceed \$5,000,000, and such funds may not be used for land acquisition or construction.

The following projects are authorized under this section:

Project	H. Doc. No.	Federal cost
Virginia Beach, Va.....	92-365	\$954,000
Buena Vista, Va.....	93-56	665,000
Camp Ground Lake, Ky.....	92-374	330,000
Bowie Creek, Miss.....	92-359	390,000
Pearl River, Miss.....	92-282	310,000
Zumbro River, Rochester, Minn.....	93-156	150,000
Greenville Harbor, Miss., Senate Document.....	93-38	200,000
Warren to Wilkinson Counties, Miss. (Natchez Area).....	93-148	150,000
Bushley Bayou, La.....	93-157	300,000
Roaring River Reservoir, N.C.....		400,000
Curry Creek Reservoir, Ga.....		400,000
Dalton Reservoir, Ga.....		440,000
Blanco River, Tex.....	92-364	177,000
Arkansas River, Colo.....	93-143	1,140,000
Center Creek, Miss.....	92-361	150,000
Libby Reregulating Dam, Mont.....	93-29	10,000

### *Senate amendment*

This provision is the same as the House bill with the addition of a flood protection project, Lower Mississippi Basin, Warren to Wilkinson Counties, Vicksburg Yazoo area, Mississippi, at an estimated cost of \$150,000 and a flood protection project at Days Creek Dam, South Umpqua River, Oregon at an estimated cost of \$400,000.

### *Conference substitute—section 1*

This is the same as the House bill with the additional projects authorized by the Senate amendment, and with the Columbia River Basin project at Libby Reregulating Dam, authorized at an estimated cost of \$75,000 as provided in the Senate amendment.

## WATER RESOURCES PROJECTS AUTHORIZATION (POCOTALICO RIVER BASIN, WEST VIRGINIA)

### *House bill*

This section authorizes projects for construction in their full amount. These projects and their costs are as follows:

Project:	Federal cost
Tamaqua, Pa.....	\$2,355,000
Charles River, Mass.....	7,340,000
Prairie du Chien, Wis.....	1,840,000

### *Senate amendment*

This provision is the same as the House with the addition of a project for flood control, water supply, and related purposes, in the Pocatalico River Basin, West Virginia, at an estimated cost of \$3,568,900.

### *Conference substitute—sections 2 and 5*

This is the same as the House bill. The additional project authorized by the Senate amendment in the Pocatalico River Basin, West Virginia, is contained in the conference substitute as a separate section numbered 5.

## WEST TENNESSEE TRIBUTARIES

### *House bill*

Section 3 authorizes modification of the authorized project for the Obion and Forked Deer Rivers to provide for the acquisition and development of lands for fish and wildlife purposes, at an estimated cost of \$6,600,000.

*Senate amendment*

Section 5(b) modifies the authorized project for the Obion and Forked Deer Rivers to provide for the acquisition of 32,000 acres of land to be set aside for fish and wildlife management, recreation, and purposes of environmental protection. All such lands acquired shall be available for public use, consistent with good wildlife management practices. The Chief of Engineers is required to use not less than 20 per centum of the funds appropriated annually to the project to implement these mitigation features. \$6,600,000 is authorized to be appropriated to carry out this modification.

*Conference substitute—section 3*

Except for technical and clerical amendments, this is the same as the Senate amendment.

## SMALL BOAT HARBOR OPERATION AND MAINTENANCE

*House bill*

Section 6 of the House bill amends section 103 of the River and Harbor Act of 1970 to provide that the cost of operation and maintenance of the general navigation features of small boat harbor projects shall be borne by the United States. This applies to all projects authorized by this Act, by section 201 of the Flood Control Act of 1965, section 107 of the River and Harbor Act of 1960, those authorized between January 1, 1970, and December 31, 1970, and to projects heretofore authorized in accordance with this policy.

*Senate amendment*

No comparable provision.

*Conference substitute—section 6*

This is the same as the House bill.

## NORTH BRANCH, CHICAGO RIVER, ILLINOIS

*House bill*

Section 7 authorizes the Secretary of the Army, acting through the Chief of Engineers, to provide for continued maintenance of the channel of the North Branch of the Chicago River, Illinois, free of debris, and authorizes not to exceed \$150,000 for this purpose per fiscal year.

*Senate amendment*

No comparable provision.

*Conference substitute—section 7*

This is the same as the House bill with an additional requirement that the non-Federal interest pay 25 percent of the maintenance costs.

## DEAUTHORIZATION

*House bill*

This section provides that as soon as possible after the date of enactment of this section, and at least once each year thereafter, the Secretary of the Army, acting through the Chief of Engineers, shall review and submit to Congress a list of those authorized projects under his jurisdiction which have been authorized for at least eight years with-

out any congressional appropriations within the last eight years and which he determines should no longer be authorized. Each project so listed is to be accompanied by the recommendation of the Chief of Engineers together with his reasons for the recommendations. Prior to the submission of the list, the Secretary of the Army, acting through the Chief of Engineers, must obtain the views of interested Federal agencies and the Governor of each state in which the project is located, and these views accompany the list submitted to Congress.

A project on the list is no longer authorized after one hundred and eighty calendar days of continuous session of Congress after the date of delivery of the list unless during that period either the House or Senate Committee on Public Works adopts a resolution stating that the project shall continue to be an authorized project. The provisions of the section do not apply to any project in a list of projects submitted within one hundred and eighty days preceding the adjournment of a session of Congress sine die.

Nothing in the section is to be construed as precluding the Secretary from withdrawing any project or projects from the list prior to the end of the one hundred and eighty day period.

The section is not applicable to any project which has been included in a resolution stating that it should continue to be authorized.

The Secretary of the Army, acting through the Chief of Engineers, is required to review a project for inclusion in the list of projects provided for in subsection (a) if requested by a resolution of either the House or Senate Public Works Committee. If the project is not included in any of the first three lists submitted to Congress after the date of the resolution, a report giving the reasons for not recommending deauthorization must be submitted to the House and Senate Committees on Public Works not later than the date of the third list submitted to Congress after the date of the resolution.

#### *Senate amendment*

This section provides that as soon as possible after the date of enactment of this section, and at least once each year thereafter, the Secretary of the Army, acting through the Chief of Engineers, shall review and submit to Congress a list of those authorized projects under his jurisdiction which have been authorized for at least eight years, for which no construction appropriations have been made during that period, and which he determines should no longer be authorized. Each project so listed is to be accompanied by the recommendation of the Chief of Engineers together with his reasons for the recommendations. Prior to the submission of the list, the Secretary of the Army, acting through the Chief of Engineers, must obtain the views of interested Federal agencies and the Governor of each state in which the project is located, and these views accompany the list submitted to Congress.

Deauthorization of a project on the list can only be accomplished by the adoption of a resolution by both House and Senate Public Works Committees stating that such project shall not continue to be an authorized project.

Nothing in the section is to be construed as precluding the Secretary from withdrawing any project or projects from the list prior to the adoption of a resolution as described.



The Secretary of the Army, acting through the Chief of Engineers, is required to review a project for inclusion in the list of projects provided for in subsection (a) if requested by a resolution of either the House or Senate Public Works Committee. If the project is not included in any of the first three lists submitted to Congress after the date of the resolution, a report giving the reasons for not recommending deauthorization must be submitted to the House and Senate Committees on Public Works not later than the date of the third list submitted to Congress after the date of the resolution.

*Conference substitute—section 12*

This is the same as the House provision with the additional requirement that before submitting a list of projects for deauthorization to Congress, the Secretary of the Army is to notify each Senator and Member of the House in whose State and district the project would be located of its inclusion on such list.

LITTLE RIVER INLET, SOUTH CAROLINA

*House bill*

No provision.

*Senate amendment*

This section would authorize the Corps of Engineers to undertake emergency dredging to maintain the necessary navigation channel depth in Little River Inlet, South Carolina, until such time as the project authorized in that area under Section 201 of the Flood Control Act of 1965 has been completed. Cost of the dredging is estimated at \$75,000 a year for the duration of the emergency period.

*Conference substitute—section 15*

This is the same as the Senate provision.

NORFORK RESERVOIR BRIDGE, ARKANSAS

*House bill*

Section 16 modifies the comprehensive plan for flood control and other purposes in the White River Basin to provide for a free highway bridge over Norfolk Lake in the area where U.S. Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfolk Dam and Lake. This is conditioned upon the State paying to the United States compensation received in 1943 with interest from that date.

*Senate amendment*

Section 15 is essentially the same as this provision in the House bill except that the interest on the sum to be repaid is to be compounded annually and computed on the average prevailing rates for Federal obligations during the period.

*Conference substitute—section 16*

This is the same as the Senate provision.

MELVERN AND POMONA LAKES, KANSAS

*House bill*

Section 17 modifies the project for Melvern Lake and Pomona Lake, Kansas, authorized by the Flood Control Act approved September 3,

1954, to authorize the improvements of service roads in the vicinity of these projects which the Secretary of the Army determines necessary for the appropriate utilization of the projects. The Federal share is not to exceed 70 percent of the cost and the authorization to carry out this section is not to exceed \$500,000.

*Senate amendment*

No comparable provision.

*Conference substitute—section 17*

This is the same as the House bill.

TUTTLE CREEK RESERVOIR, KANSAS

*House bill*

Section 18 modifies the project for Tuttle Creek Reservoir, Kansas, to authorize the Secretary of the Army, acting through the Chief of Engineers, to improve a portion of FAS 1208 to provide access to recreation areas. The Federal share of the project is not to exceed 70 percent and the authorization to carry out this section is not to exceed \$500,000.

*Senate amendment*

No comparable provision.

*Conference substitute—section 18*

This is the same as the House bill.

SPOIL DISPOSAL FACILITIES

*House bill*

Section 23 amends section 123 of the River and Harbor Act of 1970 to provide that if the Administrator of the Environmental Protection Agency makes his findings which permit waiver of the non-Federal-interest contribution after repayment agreements have been entered into any payments due after the date of the finding shall be waived.

*Senate amendment*

No comparable provision.

*Conference substitute—section 23*

This is the same as the House bill.

EMERGENCY BANK PROTECTION WORKS

*House bill*

This section increases the monetary limitations applicable to emergency bank protection works undertaken by the Corps of Engineers. The individual project mount is raised from \$50,000 to \$250,000 and the annual expenditure limitation from \$1,000,000 to \$5,000,000. The section also clarifies the application of the authority by adding churches, hospitals, schools and other non-profit public services to the definition of facilities which are eligible for protection.

*Senate amendment*

This is essentially the same as the House provision except that the annual expenditure limitation is increased from \$1,000,000 to \$10,000,000. The section is modified to add shoreline protection works to the type of emergency works authorized.

*Conference substitute—section 27*

This is the same as the Senate amendment.

## ROCK ISLAND BRIDGE

*House bill*

This section authorizes the construction of approaches to the eastern end of the Rock Island, Illinois, Centennial Bridge. It amends the Rock Island Toll Bridge Act, 52 Stat. 110, by inserting "(including the eastern approach in Rock Island, Illinois)", after the provisions for reconstruction, enlargement, and extension. This amendment would apply specifically to the eastern end of the bridge and work is to commence prior to December 1, 1974, and shall be completed by December 1, 1977.

*Senate amendment*

No comparable provision.

*Conference substitute—section 29*

This is the same as the House bill.

## ATLANTIC COAST OF LONG ISLAND, NEW YORK

*House bill*

This section modifies the project for the Atlantic coast of Long Island, Fire Island Inlet to Montauk Point, New York, to provide that non-Federal interests shall (1) contribute 30 per centum of the first cost of the project, including the value of lands, easements and rights of way; (2) hold and save the United States free from damages due to the construction works; and (3) maintain and operate the improvements in accordance with regulations prescribed by the Secretary of the Army.

*Senate amendment*

No comparable provision.

*Conference substitute—section 31*

This is the same as the House bill.

## STREAMBANK EROSION CONTROL—OHIO RIVER, MISSOURI RIVER, YAZOO RIVER, AND GENERAL

*House bill*

One section authorizes a varied and comprehensive approach to find means of preventing and reducing the damages caused by the severe erosion problems along the Ohio River. The section authorizes an intensive evaluation of the erosion with a view to determining whether bank protection works should be provided at this time. It also authorizes the Corps of Engineers to develop and evaluate new methods and techniques for bank protection, conduct research on soil stability, identify the causes of erosion, and recommend means for prevention and correction of the problems. The results of these studies are to be reported to the Congress.

In addition, the Secretary of the Army, acting through the Chief of Engineers, is authorized to construct and evaluate demonstration projects as determined by the Chief of Engineers. This will enable the

Corps to attempt and evaluate differing types of protective measures as part of the overall study of the problem.

For the demonstration projects, the non-Federal interests must provide without cost to the United States lands, easements and rights of way necessary for construction and operation of the projects; hold and save the United States free from damages due to construction, operation and maintenance of the projects; and operate and maintain the projects after completion.

Another section authorizes a combination of emergency work and studies to help prevent and reduce damages from streambank erosion in the reach of the Missouri River between Fort Randall Dam, South Dakota, and Sioux City, Iowa. It provides for emergency bank stabilization works as determined to be necessary by the Secretary of the Army, acting through the Chief of Engineers. This determination is to be made in cooperation with the Governors of the involved States with regard to priority of locations to be protected and the nature of the protective works. Non-Federal interests must furnish necessary lands, easements and rights of way; hold and save the United States free from damages due to the projects; and operate and maintain the projects after completion.

The section also authorizes and directs an intensive evaluation of streambank erosion along the Missouri River with a view to determining whether additional bank protection works should be provided at this time. In addition, the Corps of Engineers is to develop and evaluate new methods and techniques for bank protection, conduct research on soil stability; identify the causes of erosion, and recommend means for prevention and correction of the problems. The results of the studies, with recommendations, are to be reported to the Congress.

Section 35 modifies the project for flood control and improvement of the Lower Mississippi River to authorize the Secretary of the Army to undertake a demonstration pilot study program of bank stabilization on the delta and hill areas of the Yazoo River Basin, Mississippi, at an estimated cost of \$9,500,000.

#### *Senate amendment*

Section 12(a) through (e) of the Senate amendment authorizes \$25,000,000 over a 5-year period for a streambank erosion control demonstration program. The program is to consist of (1) an evaluation of the extent of streambank erosion; (2) development of new methods and techniques for protection, research, and identification of causes; (3) a report to Congress together with recommendations; and (4) demonstration projects including bank protection works. Demonstration projects are to be undertaken at a variety of places including specifically sites on the Ohio River, the Missouri River between Fort Randall Dam and Sioux City, Iowa, the Missouri River in North Dakota at or below Garrison Dam, and the Delta and Hill areas of the Yazoo River Basin. Non-Federal interests must provide without cost lands, easements, and rights-of-way, hold and save the United States free from damages, and operate and maintain the project on completion.

#### *Conference substitute—section 32*

This is the same as the Senate amendment.



## NEWBURGH LOCK AND DAM, INDIANA

*House amendment*

This section modifies the project for Newburgh Lock and Dam, Indiana, to direct the Secretary of the Army, acting through the Chief of Engineers, to perform bank protection work along the Ohio River at Newburgh, Indiana. Local interests are required to furnish necessary lands, easements and rights of way, operate and maintain the works after completion, and hold and save the United States free from damages due to the construction works.

*Senate amendment*

No comparable provision.

*Conference substitute—section 34*

This is the same as the House bill.

## ALEUTIAN ISLANDS, ALASKA

*House bill*

No provision.

*Senate amendment*

This section authorizes and directs the Secretary of the Army, acting through the Chief of Engineers, to make a detailed study of plans for the removal and disposal of debris and obsolete buildings in the vicinities of Port Heiden, Cold Bay, Unalaska, and Unmak Island in the Aleutian Islands, Alaska. This study is to be submitted to Congress within one year after the date of enactment.

*Conference substitute—section 35*

This is the same as the Senate amendment.

## AUBURN DAM AND RESERVOIR

*House bill*

Section 36 amends section 222 of the Flood Control Act of 1970 to authorize the construction of a two-lane all-weather paved road extending from Old United States Highway 40, near Weimar, California, to the Eldorado County Road near Spanish Dry Diggings.

*Senate amendment*

No comparable provision.

*Conference substitute—section 36*

This is the same as the House bill.

## ANNUAL INSTALLMENTS OF CASH CONTRIBUTIONS

*House bill*

This section modifies the project for San Luis Obispo Harbor, California, to authorize the Secretary of the Army, acting through the Chief of Engineers, to accept in annual installments during the period of construction the cash contribution of local interests required by the project.

*Senate amendment*

Section 71 of the Senate amendment would authorize the Secretary of the Army to permit the cash contribution required of non-Federal

public bodies prior to construction of a water resources project, as part of their share, to be made in annual installments during construction. When there is no provision of law that would permit extended repayment, this section would ease the financial burden placed on non-Federal public bodies to fund in a single payment those projects which take longer than one year, and often many years, to construct. The Secretary of the Army would determine the schedule of annual installments, not necessarily uniform, which would provide for equitable non-Federal prepayment prior to accomplishment of pertinent project work and be compatible with the construction schedules of the Chief of Engineers. This section would also authorize the Secretary of the Army to modify existing agreements to permit such a schedule of annual installments, upon the request of the non-Federal interests.

*Conference substitute—section 40*

This is the same as the Senate amendment.

WATER RESOURCES DEVELOPMENT PROJECTS—OHIO RIVER BASIN

*House bill*

This section authorizes and directs the Secretary of the Army, acting through the Chief of Engineers, to make a detailed study and report of the total benefits and costs attributable to the water resources development projects undertaken in the Ohio River Basin by the Corps of Engineers. The evaluation of benefits and costs is to include consideration of the enhancement of regional economic development, quality of the total environment, the well being of the people, and the national economic development. The report of the study must be submitted to Congress within two years after funds are made available to initiate the study. There is authorized to be appropriated not to exceed \$2,000,000 to carry out the section.

*Senate amendment*

No comparable provision.

*Conference substitute—section 41*

Same as the House bill.

MISSISSIPPI RIVER—FISH AND WILDLIFE LANDS

*House bill*

No provision.

*Senate amendment*

Section 17 provides that the project for flood control and improvement of the Lower Mississippi River is modified to provide that in the case of lands authorized to be acquired for mitigating losses to wildlife which lands have not yet been acquired and which no longer are suitable for that purpose, the Secretary of the Army may acquire substitute lands not to exceed the previously authorized acreage.

*Conference substitute—section 42*

This is the same as the Senate provision.

## ZILPO RECREATION AREA

*House bill*

Section 43 provides that any proposed road to the Zilpo Recreation Area shall not be constructed to the Cave Run Lake Project in Kentucky until there is a full opportunity for public review and comment on the environmental impact statement pertaining to any such proposed road.

*Senate amendment*

Section 24, except for technical changes, is the same as the House provision.

*Conference substitute—section 43*

This is the same as the House bill.

## DISASTER RELIEF ACT OF 1970

*House bill*

This section amends section 252 of the Disaster Relief Act of 1970 to provide that the costs of replacing certain community services, for which the Act provides assistance, shall include those costs incurred in obtaining substitute services during the period of repair, restoration, reconstruction, or replacement of facilities to the extent such costs exceed the cost which would have been incurred in providing such services but for the disaster.

*Senate amendment*

No comparable provision.

*Conference substitute—section 45*

This is the same as the House bill.

## CONTRACT FOR WATER—WYNOOCHEE DAM AND LAKE, WASHINGTON

*House bill*

This section authorizes the Secretary of the Army, acting through the Chief of Engineers, to amend the contract between the city of Aberdeen, Washington, and the United States for use of storage space in the Wynoochee River, Washington, for municipal and industrial water supply.

The amended contract shall provide that the costs allocated to present demand water supply will be repaid over a period of fifty years after the project is first used for storage of water for water supply, with the first annual payment being a minimum of 0.2 per centum of the total amount to be repaid, and the annual payments being increased by 0.2 per centum each year until the tenth year. Subsequent annual payments for the balance of forty years will be one-fortieth of the balance remaining after the tenth payment.

*Senate amendment*

This section authorizes the Secretary of the Army, acting through the Chief of Engineers, to amend the contract between the city of Aberdeen, Washington, and the United States for use of storage space in the Wynoochee River, Washington, for municipal and industrial water supply.

The amended contract shall provide that the initial and subsequent payments, including interest, for the present demand water supply storage may be deferred for a period up to ten years. Payments are thus deferred until the city finds customers for the water or until the ten-year-period is up, whichever is sooner.

*Conference substitute—section 46*

This provision is the same as the House bill except that the first annual payment shall be a minimum of 0.1 per centum of the total principal amount to be repaid and the annual payments shall be increased by 0.1 percent each year until the 10th year at which time the payment shall be 1 per centum. Subsequent annual payments for the balance (including interest for 50 years) of 40 years shall be one-fortieth of the balance remaining after the 10th payment.

FISH HATCHERY—WYNOOCHEE DAM AND LAKE, WASHINGTON

*House bill*

This section modifies the project for Wynoochee Dam and Lake to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to transfer to the State of Washington not to exceed \$696,000 for construction of fish hatchery facilities for mitigation of project-caused losses of natural spawning areas for trout.

*Senate amendment*

Section 51 is the same as the House provision except that the amount estimated is \$32,000 less than that contained in the House provision.

*Conference substitute—section 47*

This is the same as the House bill.

FISH HATCHERY—LIBBY DAM, MONTANA

*House bill*

Section 48 increases the authorization for Federal participation in the fish hatchery facilities in connection with the Libby Dam, Montana, from \$750,000 to \$4,000,000.

*Senate amendment*

Section 33, except for technical changes, is the same as the House provision.

*Conference substitute—section 48*

This is the same as the Senate amendment.

COUNTY REIMBURSEMENT—LIBBY DAM, MONTANA

*House bill*

This section modifies the project for Libby Dam, Montana, to authorize the Secretary of the Army, acting through the Chief of Engineers, to reimburse Boundary County, Idaho, for the cost incurred to elevate, relocate, or reconstruct the bridge located at the mouth of Deep Creek as it joins the Kootenai River. There is authorized to be appropriated not to exceed \$300,000 for the purposes of carrying out this provision.



*Senate amendment*

Section 19 is the same as the House provision except that the authorization is unlimited.

*Conference substitute—section 50*

The conference substitute is the same as the House bill except that the authorization is set at \$350,000.

## GRAND RIVER, MISSOURI AND IOWA

*House bill*

This section modifies the project for flood protection on the Grand River and tributaries, Missouri and Iowa, authorized by the Flood Control Act of 1965, to authorize the Chief of Engineers to proceed with engineering and design of the Pattonsburg Lake project so as not to preclude the subsequent addition of power. Prior to initiation of construction, the Chief of Engineers must submit a report to Congress on the scope and scale of the project which best meets the needs of the area for further action by the Congress. Modification of the project to include hydroelectric power would require an Act of Congress.

*Senate amendment*

Section 32 modifies the project for flood protection on the Grand River and tributaries, Missouri and Iowa, to authorize the Chief of Engineers to proceed with engineering and design of the Pattonsburg Lake project so as not to preclude the subsequent addition of power. Therefore, this section provides for the review of the economics of the project, advantages of advanced bridge participation, continued participation in town relocation, and additionally provides authority to the Chief of Engineers to proceed with the project considered most suited to meeting area needs, subject to the submission of a report to the Congress for action as appropriate.

*Conference substitute—section 53*

This is the same as the Senate amendment.

## SHORELINE EROSION CONTROL DEMONSTRATION ACT

*House bill*

This section, which is to be cited as the "Shoreline Erosion Control Demonstration Act of 1973," authorizes a program to develop and demonstrate low-cost means to prevent and control shoreline erosion. The Secretary of the Army is directed to establish and conduct, for a period of five years, a national shoreline erosion control development and demonstration program, consisting of planning, constructing, operating, evaluating, and demonstrating, prototype devices, both engineered and vegetative. The program is to be carried out in cooperation with the Secretary of Agriculture, other Federal, State, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established by the Act.

Demonstration projects are to be undertaken at no less than two sites each on the shorelines of the Atlantic, Gulf, and Pacific coasts, and of the Great Lakes.

A Shoreline Erosion Advisory Panel is established, to be composed of individuals who are knowledgeable with respect to shoreline erosion, to advise the Secretary of the Army on the program.

The Secretary is directed to submit an annual progress report and a final evaluation report to the Senate and House of Representatives Committee on Public Works. A total of \$8,000,000 is authorized for the program.

*Senate amendment*

This section, which is to be cited as the "Shoreline Erosion Control Demonstration Act of 1973," authorizes a program to develop and demonstrate low-cost means to prevent and control shoreline erosion. The Secretary of the Army is directed to establish and conduct, for a period of five years, a national shoreline erosion control development and demonstration program, consisting of planning, constructing, operating, evaluating, and demonstrating, prototype devices, both engineered and vegetative. The program is to be carried out in cooperation with the Secretary of Agriculture, other Federal, State, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established by this section.

Demonstration projects are to be undertaken at no less than two sites each on the shorelines of the Atlantic, Gulf, and Pacific coasts, the Great Lakes, and the State of Alaska, and at specified locations of serious erosion along the shores of Delaware Bay.

A Shoreline Erosion Advisory Panel is established, to be composed of individuals who are knowledgeable with respect to shoreline erosion, to advise the Secretary of the Army on the program.

The Secretary is directed to submit an annual progress report and a final evaluation report to the Senate and House of Representatives Committee on Public Works. A total of \$8,000,000 is authorized for the program over five fiscal years.

*Conference substitute—section 54*

This is the same as the Senate amendment, except that the provision relating to compensation of the members of the panel is the same as that in the House bill.

INDIVIDUAL REIMBURSEMENT—LIBBY DAM, MONTANA

*House bill*

No provision.

*Senate amendment*

This section modifies the project for Libby Dam, Montana, to authorize the Secretary of the Army, acting through the Chief of Engineers, to compensate drainage districts and owners of levied and unlevied tracts, in Kootenai Flats, Boundary County, Idaho, for modification to facilities, and additional pumping costs made necessary by higher water levels, and crop and other damages resulting from higher flows during drawdown operations at Libby Dam.

*Conference substitute—section 56*

This is the same as the Senate amendment except that compensation is not to exceed \$1,500,000.

## SMALL FLOOD PROTECTION PROJECTS IN DISASTER AREAS

*House bill*

This section authorizes the construction of small flood protection projects not specifically authorized by Congress when in the opinion of the Chief of Engineers the work is advisable and protects an area which has been declared to be a major disaster area in the five year period preceding the exercise by the Chief of Engineers of the authority contained in this section. No more than \$2 million may be allotted for any one project, and there is authorized not to exceed \$25 million in each fiscal year for the next five fiscal years to construct these projects. The projects authorized by this section may not be constructed in areas intended to be protected by projects which have been specifically authorized by Congress. The normal provisions of local cooperation for flood control apply.

*Senate amendment*

Subsection (a) amends the authority of the Secretary of the Army to construct small flood control projects by increasing the annual expenditure limitation to \$50 million and the individual project limitation to \$2 million.

Subsection (b) authorizes the construction of small flood protection projects not specifically authorized by Congress when in the opinion of the Chief of Engineers the work is advisable and protects an area which has been declared to be a major disaster area in the five year period preceding the exercise by the Chief of Engineers of the authority contained in this section. No more than \$2 million may be allotted for any one project, and there is authorized not to exceed \$25 million in each fiscal year for the next five fiscal years to construct these projects. The projects authorized by this section may not be constructed in areas intended to be protected by projects which have been specifically authorized by Congress. The normal provisions of local cooperation for flood control apply.

*Conference substitute—section 61*

The conference substitute amends section 205 of the Flood Control Act of 1948 by increasing the annual expenditure limitation to \$30,000,000 and by increasing the individual project limitation to \$2,000,000 for a project at a locality if the project protects an area declared to have been a major disaster area pursuant to the Disaster Relief Acts in the five-year period immediately preceding the date the Chief of Engineers deems the work advisable.

## DELETION OF WATER QUALITY STORAGE

*House bill*

Section 65 provides that when the Administrator of the Environmental Protection Agency determines that storage in a project for regulation of streamflow for water quality is not needed or is needed in a different amount, the project may be modified accordingly and any storage no longer required for water quality may be used for other authorized purposes of the project. The provisions of this section are not to apply to any project where the benefits attributable to water quality exceed 20 per centum of the total project benefits.

*Senate amendment*

Section 68 authorizes the modification of projects in the same manner as provided in the House bill except that the modification of the project is to take effect on adoption of resolutions approving such modification by the Public Works Committees and the provisions of this section are not to apply to any project where the benefits attributable to water quality exceed 25 per centum of the total project benefits.

*Conference substitute—section 65*

This is the same as the House bill and Senate amendment modified to provide that the modification of a project where the water quality benefits are between 15 and 25 percent will take effect only on adoption of resolutions of approval by the appropriate committees of Congress. The provisions of the section are not to apply to any project where water quality benefits exceed 25 per centum. As used in this provision, the term "appropriate committee" would mean in the case of water resources projects under the jurisdiction of the Secretary of the Army, the Public Works Committees of the Congress, and in the case of such projects under the jurisdiction of the Secretary of the Interior, the Committees on Interior and Insular Affairs of the Congress.

## LITTLE CALUMET RIVER, ILLINOIS

*House bill*

This section authorizes the Secretary of the Army, acting through the Chief of Engineers, to undertake measures to clear that portion of the Little Calumet River, Illinois, between the point of its confluence with the Calumet-Sag channel and the Indiana State line, of fallen trees, roots, silt, and other debris and objects which contribute to flooding, unsightliness, and pollution of the river. Non-Federal interests are required to provide local cooperation similar to that required for similar project purposes in other water resources projects.

*Senate amendment*

No comparable provision.

*Conference substitute—section 66*

The conference substitute is the same as the House bill.

## MURRELLS INLET, SOUTH CAROLINA

*House bill*

No provision.

*Senate amendment*

This section modifies the project for navigation at Murrells Inlet, South Carolina, to require the performance of emergency dredging operations to maintain channel depths sufficient to permit free and safe improvement of vessels until the authorized project is constructed.

*Conference substitute—section 67*

This is the same as the Senate amendment.

## LOWER RIO GRANDE BASIN

*House bill*

This section directs the Secretary of the Army, acting through the Chief of Engineers, to make a review of the plan of development for



the Lower Rio Grande Basin in Willacy, Hidalgo and Cameron Counties, Texas, recommended as Phase I in the report of the United States Department of Agriculture, dated July 1969, and submit a report to Congress on the feasibility of the proposed Willacy-Hidalgo Floodwater Channel, and the North Floodway Channel as flood control improvements for the Lower Rio Grande Basin.

*Senate amendment*

This section authorizes the Secretary of the Army, acting through the Chief of Engineers, to undertake the Phase I design memorandum stage of the project involving the Willacy-Hidalgo Floodwater Bypass, the Laguana Madre Floodwater Channel, and the North Floodway Channel in the Lower Rio Grande Basin in Willacy, Hidalgo, and Cameron Counties, Texas, substantially in accordance with the recommendations for phase I contained in the comprehensive study and plan of development for the Lower Rio Grande Basin, Texas, dated July 1969, prepared by the United States Department of Agriculture in cooperation with the state of Texas.

This section authorizes \$600,000 for the design memorandum stage of the project and provides that the draft environmental impact statement prepared by the Soil Conservation Service be circulated for agency comment as required by the National Environmental Policy Act.

*Conference substitute—section 68*

Except for minor technical changes, this is the same as the Senate amendment.

DADE COUNTY, FLORIDA

*House bill*

This section modifies the project for beach erosion control and hurricane flood protection in Dade County, Florida, to provide for construction by non-Federal interests and maintenance by Federal or non-Federal interests of a segment of the project south of Baker's Haulover Inlet. The non-Federal interests would be reimbursed the Federal share as that share is defined in the original project authorization. The work to be undertaken by non-Federal interests in advance of regular Federal scheduling would require prior approval by the Corps to assure its compliance with Corps standards for combined beach erosion-hurricane protection and its conformity with the larger project of which it is a part.

*Senate amendment*

No comparable provision.

*Conference substitute—section 69*

This is the same as the House bill.

EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY, NEW YORK

*House bill*

This section would authorize the Corps of Engineers to commence work on the beach erosion aspect of the combined hurricane-flood protection and beach erosion project at East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, New York, authorized by the Flood Control Act of 1965. Initiation of construction would follow comple-

tion of environmental studies and receipt of adequate local participation assurances for the beach erosion aspect. Local interest would be required to contribute 50 percent of the cost of the beach erosion aspect.

*Senate amendment*

This section would authorize the Corps of Engineers to commence work on the beach erosion aspect of the combined hurricane-flood protection and beach erosion project at East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, New York, authorized by the Flood Control Act of 1965. Initiation of construction would follow completion of environmental studies and receipt of adequate local participation assurances for the beach erosion aspect. Nothing contained in this section shall increase or reduce the percentage of total costs of the entire project to be contributed by non-Federal interests.

*Conference substitute—section 72*

This is the same as the Senate amendment.

ARKANSAS—RED RIVER BASIN

*House bill*

Section 74 modifies the project for water quality control in the Arkansas-Red River Basin to authorize the Secretary of the Army to initiate construction of the area VIII feature of the project prior to the approval required by section 201 of the Flood Control Act of 1970.

*Senate amendment*

No comparable provision.

*Conference substitute—section 74*

This is the same as the House bill.

VISITOR PROTECTION

*House bill*

Section 75 requires the Secretary of the Army to study the need for and means of providing visitor protection services at water resources development projects under the jurisdiction of the Department of the Army and to report to Congress not later than December 31, 1974.

*Senate amendment*

No comparable provision.

*Conference substitute—section 75*

This is the same as the House bill.

FEDERAL WATER PROJECT RECREATION ACT

*House bill*

This section amends the Federal Water Project Recreation Act to increase the Federal share of the separate costs allocated to fish and wildlife enhancement from fifty percent to seventy-five percent.

*Senate amendment*

No comparable provision.

*Conference substitute—section 77*

Except for technical changes, this is the same as the House bill.

## PRINCIPLES AND STANDARDS

*House bill*

This section enacts into law the interest rate formula used in the formulation and evaluation of water resources projects as established by the Water Resources Council in 1968. It also enacts into law the so called "Grandfather" provision adopted by the Water Resources Council to determine the applicability of the 1968 formula to previously authorized projects.

*Senate amendment*

Section 66 provides that the interest rate formula to be used in plan formulation and evaluations for discounting future benefits and computing costs and the formulation and evaluation of Federal water and land resources projects shall be those published in the Federal Register on September 10, 1973 (38 F.R. 24777), for all future projects but bars its application to previously authorized projects or those authorized in whole or in part by this bill.

*Conference substitute—section 80*

This is the same as the House bill except for a technical amendment to insure that the "grandfather" provision will be exactly as contained in the regulation issued by the Water Resources Council and applicable to all projects in the same manner as published in the Federal Register on December 24, 1968. In addition, a new subsection has been added to require the President to make a full and complete investigation and study of principles and standards for planning and evaluating water and related resources projects and cost sharing of such projects. The report of this study is to be submitted to Congress not later than one year after funds are first appropriated for the study.

## FOURMILE RUN, ALEXANDRIA-ARLINGTON, VIRGINIA

*House bill*

This section modifies the project for flood control on Fourmile Run, city of Alexandria and Arlington County, Virginia, to incorporate certain reductions in the physical aspects of the project, to limit the Federal participation, and to require non-Federal interests to bear an equitable portion of project responsibilities.

*Senate amendment*

This is substantially the same as the House bill with a technical correction.

*Conference substitute—section 84*

This is the same as the Senate amendment.

## VERONA AND SIXES BRIDGE, VIRGINIA AND MARYLAND

*House bill*

This section authorizes a comprehensive plan to satisfy the water and related resources needs of the Potomac River Basin and the water supply needs of the Washington Metropolitan Area. The plan consists of three interrelated elements.

The second element of the plan is an investigation of the use of the waters of the Potomac estuary as a source of water supply for the

Washington Metropolitan Area. This study includes the construction, operation, and evaluation of a pilot water treatment plant. For some years it has been argued that the Verona and Sixes Bridge projects, as well as other proposed dams in the basin, are not necessary because the water needs of the Washington area can be met by the Potomac estuary.

The third element of the plan is the most important. It directs a \$5½ million review study of the water and related resources needs of the Potomac River Basin and the Washington Metropolitan Area.

*Senate amendment*

This section authorizes a comprehensive plan to satisfy the water and related resources needs of the Potomac River Basin and the water supply needs of the Washington Metropolitan Area. The plan consists of three interrelated elements. The Verona Dam in Virginia and the Sixes Bridge Dam in Maryland are authorized through the phase I design memorandum stage of advanced engineering and design.

The second element of the plan directs a study of the water and related resources needs of the Potomac River Basin and the Washington Metropolitan Area, which must be made before there is further authorization of Sixes Bridge Dam.

The third element of the plan is an investigation of the use of the waters of the Potomac estuary as a source of water supply for the Washington Metropolitan Area. This study includes the construction, operation, and evaluation of a pilot water treatment plant.

The section directs the Corps of Engineers to contract with the National Academy of Sciences-National Academy of Engineering to review and by written report comment on the scientific basis for the conclusions reached with respect to the use of the estuary for water supply and the estuarine pilot project. In its subsequent report to Congress, the Corps would also be required to include written comments by the National Academy of Science-National Academy of Engineering on any recommendations made for supplying the water needs of the metropolitan Washington area from the estuary. This report must be submitted before further authorization of Sixes Bridge Dam.

*Conference substitute—section 85*

This is the same as the Senate provision.

BAYOU COURTABLEAU, LOUISIANA

*House bill*

An authorized Corps of Engineers project in Louisiana provides for extension of Bayou Cocodrie to the West Atchafalaya Basin Protection Levee via a diversion canal (Washington-Courtableau) and enlargement of the Bayou Courtableau drainage structure and outlet channel. This section authorizes the Secretary of the Army, acting through the Chief of Engineers, to make a study to determine the feasibility of modifying the authorized project by enlarging the channel of Bayou Courtableau between Washington and the protection levee, in lieu of the authorized diversion channel, and the installation of additional culverts through the west protection levee.

*Senate amendment*

This section would authorize an enlargement of the channel of Bayou Courtableau from Washington, Louisiana, to the west protec-



tion levee as a modification to an authorized Mississippi River flood control project, and that the right of way and spoil areas for the modification be provided at federal expense. Additional culverts through the west protection levee are also authorized as necessary for the increased flow.

*Conference substitute—section 87*

This is the same as the Senate amendment.

APPLEGATE DAM AND RESERVOIR, OREGON

*House bill*

Section 89 modifies the project for the Rogue River, Oregon and California, to provide that with respect to the irrigation aspect of the Applegate Dam and Reservoir, appropriate non-Federal interests shall make necessary arrangements with the Secretary of the Interior, prior to use of the project for irrigation, for repayment under the provisions of the reclamation laws of the costs allocated to irrigation.

*Senate amendment*

Section 42 also modifies the project for the Rogue River Basin to provide that construction of the Applegate Lake project may commence before non-Federal interests make necessary arrangements with the Secretary of the Interior for repayment in accordance with the Federal reclamation laws of costs allocated to irrigation purposes, except that the project is not to be operated for irrigation until these arrangements have been made.

*Conference substitute—section 89*

This is the same as the Senate amendment.

DRIFT AND DEBRIS REMOVAL—NEW YORK HARBOR

*House bill*

Section 113 of the River and Harbor Act of 1970 authorized the New York Harbor Collection and Removal of Drift project. The authorization was made subject to the approval by the Secretary of the Army and the President of project plans and local cost sharing. This approval was never given and the authorization has not been implemented. This section authorizes this project without the condition of approvals by the Secretary and the President.

*Senate amendment*

No comparable provision.

*Conference substitute—section 91*

This is the same as the House bill.

RUSSIAN RIVER, CALIFORNIA

*House bill*

This section modifies the project for Russian River, Dry Creek, California, to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to compensate for fish losses on the Russian River, which may be attributed to the operation of the Coyote Dam, through measures such as possible expansion of the fish hatchery at Warm Springs Dam.

*Senate amendment*

No comparable provision.

*Conference substitute—section 95*

This is the same as the House bill.

## BROADWAY LAKE, SOUTH CAROLINA

*House bill*

This section authorizes the Secretary of the Army acting through the Chief of Engineers to remove silt and aquatic growth from Broadway Lake, Anderson County, South Carolina, at an estimated cost of \$400,000.

*Senate amendment*

No comparable provision.

*Conference substitute—section 98*

The Secretary of the Army is authorized and directed to undertake a demonstration project for the removal of silt and aquatic growth from Broadway Lake, South Carolina at an estimated cost of \$400,000. He shall report to the Administrator of EPA recommendations to assist in carrying out the program for fresh water lakes under section 314 of the Federal Water Pollution Control Act.

## CACHE RIVER BASIN

*House bill*

Section 99 authorizes modification of the Cache River Basin feature, Mississippi River and tributaries, Arkansas, to provide for the acquisition of lands for the mitigation of fish and wildlife losses caused by the project at an estimated cost of \$5,232,000. Not to exceed 30,000 acres of land shall be acquired and appropriate non-Federal interests shall contribute 100 percent of the cost of measures undertaken for fish and wildlife enhancement. This section is to be effective only if approved by the district court for the Eastern District of Arkansas, Western Division, its decision in the case of E. D. F. and others vs. Froehlke, and others.

*Senate amendment*

This section authorizes modification of the Cache River Basin feature, Mississippi River and tributaries project, Arkansas, to provide for the acquisition of lands for the mitigation of fish and wildlife losses caused by the project.

It provides for acquisition by fee or easements, of no more than 70,000 acres of land for fish and wildlife management, recreation and environmental purposes, of which no less than 30,000 acres shall be available for public use as contemplated in House Document No. 92-366. Federal expenditure of no more than \$7 million is authorized, with the provision that local interests shall bear 50 percent of any of the land acquisition costs in excess of \$6 million.

The section provides further that no less than 20 percent of the annual appropriation for Cache River shall be earmarked for mitigation purposes until the full Federal authorization of \$6 million as authorized in this section has been appropriated.

*Conference substitute—section 99*

Except for technical amendments, this is the same as the Senate provision.

## CHARITON RIVER, IOWA AND MISSOURI

*House bill*

No provision.

*Senate amendment*

The project on the Chariton River, Iowa and Missouri, is modified to require the Secretary of the Army to pay \$700,000 to the Iowa Conservation Commission toward the cost of construction by the Commission of a fish hatchery for the purpose of restoring fish losses resulting from the construction of Rathbun, Saylorsville, Coralville, and Red Rock Dam and Lake, Iowa.

*Conference substitute—section 102*

This is the same as the Senate provision except that no payment is to be made until the Secretary of the Army has approved the plans for the fish hatchery.

## KANSAS RIVER, KANSAS, NEBRASKA, AND COLORADO

*House bill*

No provision.

*Senate amendment*

The project for the Kansas River, Kansas, Nebraska, and Colorado, is modified to provide that the Secretary of the Army is authorized to relocate existing FAS 1343 crossing over the Vermilion Creek in advance of construction of the Onaga Lake project.

*Conference substitute—section 103*

Same as the Senate provision.

## STONEWALL JACKSON LAKE, WEST VIRGINIA

*House bill*

No provision.

*Senate amendment*

The Stonewall Jackson Lake project, West Fork River, West Virginia, was authorized by section 203 of the Flood Control Act of 1966. Section 221 of the Flood Control Act of 1970 provides that non-Federal interests must enter into enforceable contracts to furnish the required items of local cooperation in connection with the water resources development projects constructed by the Corps of Engineers. This section provides that the requirements of such section shall not apply to any agreements between the United States and the State of West Virginia concerning this project and specifically authorizes the Secretary to enter into these agreements.

*Conference substitute—section 104*

This is the same as the Senate amendment.

## SOURIS RIVER, NORTH DAKOTA

*House bill*

No provision.

*Senate bill*

The project on the Souris River at Minot, North Dakota, is modified to authorize the Secretary of the Army to reimburse the designated non-Federal public bodies for the estimated additional cost being incurred by them for lands and relocations in the proposed channel realignment at the Third Avenue N.E. Bridge in Minot. Such reimbursable costs are not to exceed \$200,000.

*Conference substitute—section 105*

This is the same as the Senate amendment.

## BRIDGE AT CHESTER, ILLINOIS

*House bill*

No provision.

*Senate amendment*

This section authorizes the States of Illinois and Missouri to contract individually or jointly with the City of Chester, Illinois, on or before June 1, 1974, to assume responsibility for operating, maintaining and repairing Chester Bridge and approaches thereto and lawful expenses incurred in connection therewith (exclusive of principal, interest, and financing charges on the outstanding indebtedness on the bridge and approaches). When such an agreement has been entered into, all tolls thereafter charged shall (except as otherwise provided) be used (1) to retire outstanding indebtedness on the bridge and approaches, and (2) credited to a sinking fund established for the bridge. Tolls are not to be charged after the outstanding indebtedness has been retired or sufficient funds are available through the sinking fund to pay off all outstanding indebtedness. If a State declines or cannot participate in the agreement authorized by this section, the other State may assume the responsibilities such State would have assumed under such an agreement. In that event, the assuming State shall be entitled to receive from tolls after provision is made for principal and interest payments on any indebtedness then outstanding on the bridge, as reimbursement, an amount of money (no less often than annually), which is equal to the non-participating State's fair share of the operating, maintenance, repair, and other lawful costs incurred in connection with the bridge and its approaches.

*Conference substitute—section 106*

Same as the Senate provision.

## MUNICIPAL AND REGIONAL WASTE TREATMENT FACILITIES

*House bill*

No provision.

*Senate amendment*

This section authorizes the Secretary of the Army after consulting with EPA to participate in the cost of constructing regional or municipal sewage treatment plants which will receive sewage from recreation areas and other facilities at Corps projects. Section 313 of the Federal Water Pollution Control Act authorizes Federal agencies



to participate in construction of treatment facilities through reasonable service charges. This section authorizes the Secretary to make such contributions for that portion of the cost of constructing the sewage treatment plant attributable to the purpose of treating the sewage resulting from the operation of Corps facilities. Payment for such construction costs may be either in a lump sum or on an installment basis.

*Conference substitute—section 107*

Same as the Senate amendment.

BIG SOUTH FORK OF THE CUMBERLAND RIVER, KENTUCKY AND TENNESSEE

*House bill*

No provision.

*Senate amendment*

Section 5(c) directs the Secretary of the Army, through the Chief of Engineers and in accordance with the national recreational alternative of the Interagency Report (Park Service, Forest Service, and Corps of Engineers), to establish a national recreation area on the Big South Fork of the Cumberland River in Kentucky and Tennessee for the purpose of preserving the natural values of the gorges and free-flowing rivers and streams and for the purpose of developing the area's potential for outdoor recreation. At such time as an administrable area has been acquired and construction of necessary roads, recreational, and administrative facilities completed, authority for management will be transferred to the Secretary of the Interior.

The project area is limited to 125,000 acres.

The Secretary is given the right to acquire property by donation, purchase, or by the use of eminent domain, so that the total area may be efficiently acquired.

Persons residing within the boundary of the project area are given the right to retain their property for their lifetime or for a term of 25 years at their election. Tenants residing upon property to be acquired are allowed to continue residence during their lifetime.

Minerals underlying the recreation area and which can be recovered by deep mining where the adit to such mine is located outside the boundary and where such mining will not disrupt the surface, can be retained for removal by the owner or owners subject to inspection and regulation by the Secretary.

Hunting and fishing are permitted within the recreation area, but subject to such regulations as the Secretary may issue to insure safety to other recreationists and compatibility with other recreation uses.

For the purposes of administration the recreation area is divided into two distinct sections—the gorge area and the adjacent areas. Within the gorge area the removal of timber and minerals for commercial purposes is strictly prohibited. The natural values of the gorge area are paramount. The only improvements allowed in the gorge area are to be day-use facilities along the access routes into the gorge, restoration of historical sites, and primitive campsites for access by water. Several access routes are designated for improvement. These will furnish adequate access by motor vehicle into the gorge without diminishing natural values, since they are located in each instance

along existing roadways. The bulk of the gorge area outside the access corridors will be accessible only on foot, horseback, or by canoe. Undesignated roads in the gorge will be maintained for foot and horseback use.

The designation of primary and secondary access roads into the gorge will furnish emphasis on balanced use of the gorge area.

Adjacent areas are available to a wider range of uses including the extraction of minerals, according to such regulations as the Secretary may prescribe to prevent interference with the recreational use of the area and to prevent injury to the area. Construction of family and group camping facilities, lodges, nature trails, picnic areas, and bridle paths in adjacent areas will enhance the recreational range of the area and will thus enhance the economic contribution of the project to the region.

Historical restoration will be assisted at Rugby and reconstruction of the Blue Heron mining community which is located on the Big South Fork near Devil's Jump will be undertaken by the Secretary.

The Secretary is commissioned to study possible uses of the abandoned O&W Railroad.

The Secretary is directed to study the transportation access to the recreation areas, to establish an internal network of roads sufficient to supply ready access to the facilities of the recreation area. This section also provides that the Corps shall, with the assistance of other interested Federal agencies and with the State of Tennessee, formulate a comprehensive plan for improvement of the water quality of the New River.

The Secretary is charged to maintain the water quality of the Big South Fork and in the execution of this function shall cooperate with appropriate federal and state agencies.

In addition, this section provides for the payment to the counties of sums in lieu of taxes during the first years of the project.

The estimated cost of the project is \$32,850,000. Of this sum approximately \$14,000,000 will be necessary for the acquisition of lands, \$500,000 for the acquisition of improved properties, and \$18,350,000 for construction of improvements in the area.

*Conference substitute—section 108*

This is the same as the Senate provision except for technical and clarifying changes.

#### SMALL STREAMBANK EROSION PROJECTS

*House bill*

This section authorizes the Secretary of the Army, acting through the Chief of Engineers, to investigate, plan, and construct projects for the control of streambank erosion in the United States, its possessions, and the Commonwealth of Puerto Rico, when in the opinion of the Chief of Engineers, such projects are consistent with the objectives of sound flood plan management and will result in substantial public benefits through the provision of needed protection to public, residential, and commercial properties.

No single project may be constructed under this section if the estimated Federal first cost exceeds \$250,000. An annual expenditure limitation of \$10,000,000 is imposed. Appropriate non-Federal interests are required to furnish assurances that they will provide necessary

lands, easements and rights-of-way, hold and save the United States free from damages due to construction, operate and maintain the projects after completion, and contribute 25 percent of the first costs of the project.

*Senate amendment*

No comparable provision.

*Conference substitute*

No comparable provision.

FLOOD PROTECTION PROJECT, ST. LOUIS, MISSOURI

*House bill*

Section 15 modifies the project for flood protection in St. Louis, Missouri, authorized by the Act of August 9, 1955, to authorize the Secretary of the Army, acting through the Chief of Engineers, to reconstruct the existing service and access roads along the line of protection so as to adequately carry present and anticipated traffic loads at an estimated cost of \$1,300,000. No appropriation is authorized until engineering plans have been submitted and approved by the Committees on Public Works.

*Senate amendment*

No comparable provision.

*Conference substitute*

No comparable provision.

NEW RIVER, VIRGINIA

*House bill*

This section authorizes a study by the U.S. Army Corps of Engineers of possible recreational, conservation and preservation uses of the New River between its South and North Forks and the town of Fries, Virginia.

*Senate amendment*

No comparable provision.

*Conference substitute*

No comparable provision.

MANISTEE HARBOR, MICHIGAN

*House bill*

Section 5 of the House bill requires the Secretary of the Army, acting through the Chief of Engineers, to remove the sunken steamer Glen from Manistee Harbor, Michigan.

*Senate amendment*

No comparable provision.

*Conference substitute*

No comparable provision.

NONNAVIGABILITY—HUDSON RIVER, NEW YORK

*House bill*

No comparable provision.

*Senate amendment*

This section declares a described portion of the Hudson River in New York County, State of New York, to be not a navigable water of the United States within the meaning of the laws of the United States, and gives the consent of Congress, subject to the requirements of State and local law, to the filling in or all or any part of the area or the erection of permanent pile supported structures in the area.

*Conference substitute*

No comparable provision.

RAY ROBERTS,  
HAROLD T. JOHNSON,  
GLENN M. ANDERSON,  
ROBERT A. ROE,  
WILLIAM H. HARSHA,  
GENE SNYDER,  
DON H. CLAUSEN,

*Managers on the Part of the House.*

MIKE GRAVEL,  
JENNINGS RANDOLPH,  
LLOYD BENTSEN,  
QUENTIN BURDICK,  
WILLIAM L. SCOTT,  
HOWARD H. BAKER,  
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*Managers on the Part of the Senate.*





